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PRESENTED BY
RANI NATH MUKHAI
OF UTTARPARA.

EDINBURGH REVIEW,

NOVEMBER, 1825.

N^o. LXXXV.

ART. I. *A Discourse on the Rise, Progress, Peculiar Objects, and Importance, of Political Economy: Containing an Outline of a Course of Lectures on the Principles and Doctrines of that Science.* By J. R. M'CULLOCH, Esq. Second Edition, corrected and enlarged. pp. 124. Edinburgh, Constable & Co. 1825.

MAN, after all, has but a Soul and a Body;—and we can only make him happy by ministering to the wants of the one or the other. These wants, and the enjoyments which result from supplying them, differ, no doubt, both in degree and in dignity, according as they refer to the spiritual or animal part of our complex nature—though, in its happiest state, both are capable of being very harmoniously blended. Those that belong to the mind are the highest certainly, and the best—but their importance is not so early or so universally felt:—The pursuit of them forms scarcely any part of the occupation of rude nations; and, even in the most civilized, they are but little valued or understood by the great body of the people.

To this class, besides the hopes of Religion and the testimony of approving conscience, which may subsist in minds not very highly cultivated, belong the gratifications arising from the exercise of Intellect, Imagination and Taste, together with the enjoyments that spring from the benevolent Affections, and those higher sympathies of our nature, which give rise to the love of Country or of Fame, and all those exalting tendencies which Lord Bacon has emphatically termed Heroic desires.

The lower wants and gratifications, again, to which the toils and wishes of the great bulk of mankind are nearly confined,

have for their object little more than what may be comprised under the familiar but comprehensive name of the Necessaries, the Comforts, and the Luxuries of their daily existence—‘meat, ‘clothes, and fire;’ in their simplest, or their most exquisite forms—and the leisure and security and importance that belong to the possession of Property.

Political Economy, in the exercise of its primary and direct functions, aims only at the multiplication of these last and lower gratifications. It is the science of Wealth, Trade and Population:—and its end and object is, to show how Industry may be employed to the best advantage—or how, with the least labour and the least waste of materials, the greatest quantity of comfort and enjoyment may be created for the use of man.

If there be any certainty in such a science as this, and if it can really reveal and establish to its disciples any truths that are not already known to all thinking men, it is needless to say, that, in practical value and importance, it must far transcend any thing to which the name of science has hitherto been given among men. It is no longer doubtful, however, we think, that it answers both these conditions: And even this gives but an imperfect idea of its actual worth and importance. Though *directly* conversant only about wealth and industry—though having for its *immediate* object but the bodily comforts and worldly enjoyments of men, it is certain that it is at the same time the best nurse of all elegance and refinement, the surest guarantee for justice, order and freedom, and the only safe basis for every species of moral and intellectual improvement.

Till men, by the accumulation of property, have earned for themselves some remission from daily toil, and obtained some degree of leisure, comfort and security, it is certain that they can neither cultivate their understandings, assert their rights, or be kind to their neighbours. They are mere brutish drudges—supplying their animal wants by the exertion of animal strength—and thinking of nothing more exalted. But, as certainly as they are raised above this wretched condition, and released from this servile toil, so certainly will the germs of intelligence and moral sensibility be developed, and all the fountains be unlocked, from which genius and affection are to derive the appropriate enjoyments of a rational nature. Whatever tends, therefore, to diffuse those more homely comforts through the body of society, tends also most effectually to promote its moral and intellectual improvement—and the science which can teach us how to make industry more productive, and with diminished labour to provide a larger quantity of the common necessities and comforts of life, is in truth the science to which

we are indebted for all its higher and more refined enjoyments.

All these great results, indeed, follow necessarily from the simple and certain fact, that whatever renders labour more productive, must both render its products more attainable, and give greater leisure to those who produce them. It is this *leisure*,—this precious, though apparently burdensome leisure, that works all the miracle. Man, in truth, *cannot* be idle: and though he may sometimes complain of the bitterness of the bread which he eats with the sweat of his brow, he would unquestionably find it ten times more bitter, if it could be eaten in absolute idleness, and without any considerable exertion, either of the body or the mind. Those, therefore, who are relieved from the necessity of working for mere subsistence, will generally be willing to work for comforts and luxuries—and those who, by their labour, have accumulated more than they can consume, will always be willing to exchange it for delights; while the increased leisure and comfort of the whole community will unavoidably lead them to cultivate their social affections, and to divert their *conui* by intellectual exercises and contentions. The finer works, too, for which a demand has thus been created, require more skill and ingenuity than the ruder labours of agriculture or the chase; and invention is stimulated, and talent called into action, in all ranks of the society. While enjoyments are multiplied and refined, therefore, intellect is developed—and brings with it far higher and more precious enjoyments than those for the sake of which it was first called into action.

It was probably nothing but the prospect of advantage from draining coal-pits, or turning machinery without horses, that set Watt upon the improvement of the Steam-engine: And yet, who that considers the many beautiful contrivances and masterly inventions that are combined in this great triumph over the inertness of water, will say that the cheapness of coals, or of cotton twist, is all that mankind has gained by the discovery? The delight with which it is contemplated by all speculative minds, and the stimulus it has given to the reasoning and inventive faculties of so many thousands of human beings, in every quarter of the globe, are, in our estimation, benefits of a far higher order—to say nothing of the intellectual gratification, improvement, and pride, which the illustrious discoverer must himself have experienced, in the progress and consummation of his labours. This last, however, is an element by no means to be disregarded. We are sometimes disposed to murmur at the inadequate reward which genius receives from the sordid opulence which so often assumes the character of its patron or protector; and to

feel indignant that a great artist should, for a paltry price, or more paltry salary, devote his immortal talents to gratify the vanity of some thankless and tasteless employer. Nothing, however, can be more erroneous, on the whole, than this impression. *The true reward* of the artist is the delight, the triumph, the improvement, he himself derives from those exertions, to which he was probably at first stimulated by the paltry price or salary he receives,—and the never-ending delight and improvement which the contemplation of his works will produce to the latest posterity. He may sell his picture indeed, or his statue,—and part with the possession of the material form in which some of the lofty and beautiful conceptions of his genius have been shadowed out and embodied. But the genius itself he cannot sell—the lofty emotions, the fine perceptions, the delicate sensibilities, the grand *originals*, in short, of which the best of his works are but faint and imperfect copies, he can neither alienate nor transfer. These remain with him for ever—and minister to him a delight necessarily superior to that which is shared by the least unworthy of his admirers in all succeeding generations,—and in comparison with which, the price which he has received for his labours, is as truly contemptible as the feeble gratification of its first vain and incapable acquirer.

These are extreme cases—but the truth which they illustrate is exemplified in every rank of society. As soon as the productive powers of industry have been so improved as to afford some accumulation of its products beyond what are required for daily subsistence, *two* effects will immediately follow:—*First*, that some men will be released from the necessity of working, and left to employ their leisure in intellectual or social enjoyments; and, *second*, that a part of those who continue to work will be called upon for work requiring more ingenuity than the supply of mere subsistence; and induced, in this way, both to exert their faculties, and to raise their estimate of what is necessary for their comfortable existence. This double effect of the increased productiveness of labour on the lowest and most numerous class, is plainly of the greatest importance in the general improvement of society. The persons of whom we now speak are still condemned, no doubt, to labour, and have comparatively but few hours of leisure or spontaneous employment. But they no longer labour for a mere wretched subsistence—and above all, they no longer labour as mere drudging animals, but exercise their minds as well as their bodies, and make daily advances in intellectual force and activity. In all countries where circumstances are favourable, or political economy well understood, an intelligent artisan enjoys a multiplicity of comforts and luxu-

ries which are utterly unattainable in a rude state of society—at the same time that he is every day called upon for efforts of skill and ingenuity which, though undertaken in the first instance entirely for the sake of the wages he receives, have in reality, and in the long run, a far higher reward,—in the gradual cultivation and improvement of all his intellectual faculties, the enlargement of his views, the development of his moral sensibilities, and the infinite multiplication of his best capacities of enjoyment. It is by *this* process unquestionably that the body of any society ever becomes intelligent, moral, or refined—and reflection and observation concur to show, that their progress in these attainments is uniformly proportional to the increase of their wealth and industry; and that there is in fact no other training by which they can be exalted into intellectual beings, but that which is necessarily involved in their pursuit of those vulgar comforts and venal luxuries, which may seem at first sight to terminate in selfishness and sensuality. The sun of Science may shine on them from above, and industrious teachers may even scatter the seeds of instruction among them below, but if the soil has not been stirred and manured by the previous cultivation of humbler crops, there will be no return either of blossoms or of fruit; and the region will continue for ever bare of any stately or noble growth.

Even in the present advanced state of European civilization, there is no country where *the chief* obstruction to the higher attainments and enjoyments of our nature is not to be found, in the deficiency of this preparatory training, rather than in the want of the means of instruction—none, in which the imperfect development of the productive powers of industry, and the consequent want of wealth, comfort and leisure, in the great body of the people, is not *the main cause* of their want of intelligence, taste, or morality—none, in which economical improvements would not still make a prodigious addition, not merely to the riches, power and splendour of the nation at large, but render the whole body of the people individually, far more enlightened, considerate, and judicious—and by necessary consequence, more orderly, candid, and humane. And little as we are disposed to underrate the evils of tyranny, we verily believe, that—if we look rather to the happiness that is intercepted, than the positive sufferings inflicted—a greater proportion of the actual misery of the world is to be ascribed to the ignorant improvidence of governments as to the excitement and direction of national industry, than to their jealousy of freedom, their cupidity, their selfishness, or their ambition.

If there be any portion of truth, however, in all this, we cannot easily estimate too highly the science which promises to de-

liver us from those evils;—and, by increasing the comforts and leisure of the whole people, to lift them by safe degrees from worldly to intellectual enjoyments. And yet we hear it sometimes asserted, and even by persons who do not dispute the general truth of what he have now been saying—that there is truly no science and no secret in the matter—that what are culled the doctrines of political economy are really nothing else than some very plain maxims of common sense, in which all rational men must concur, without reasoning or teaching—and that the practical result of its boasted demonstrations comes to no more than this—that tradesmen and traders should be left to follow their own interests in their own way! Plausible as this may perhaps appear to those who have looked only at the outside of the subject, it is certain, we think, that nothing can be more substantially erroneous, and that the admixture of truth only makes the error more pernicious.

As a science conversant with *moral* and not with *physical* elements, political economy can of course appeal to no higher authority than that of common sense; as is avowedly the case also with the abstract sciences of Logic and Metaphysics—and their more practical derivatives, Ethics, Politics and Law. But if the difficulty of preparing its cases for the adjudication of that high tribunal, the extent and intricacy of the subordinate reasoning, which must be employed, and the certainty and importance of the *systematic* truths that are ultimately evolved, are the *criteria* by which its title to that appellation is to be determined, we have no hesitation in saying, that it is in every respect *worth more of a Science* than any of those which we have now enumerated. That its ultimate principles are few and simple, and that many of its most important propositions may be deduced from them by a short and conclusive train of reasoning, are facts that prove but more plainly the strictly *scientific* character of the truths which it discloses—while the other, and not very consistent, imputation, that its votaries are more occupied in exposing the errors of their predecessors, than in establishing any useful truths of their own, not only affords a striking illustration of the conformity of its history with that of all the other moral sciences, but demonstrates the actual difficulty of the speculations with which it is engaged. The admitted fact, that errors, now *universally* recognised as such, have been committed, *against the interest* of all the parties concerned in them—and maintained and defended by men of the greatest abilities and information, is of itself sufficient to prove, that the truths of Political Economy are so far from being self-evident, as to be in fact among the most recondite and abstruse that human intellect has ever been employed to develop; while the general

consent of the world in the results that have at last been established; and the practical good, indeed, of which they have been found to be productive, shows satisfactorily that those truths are not unattainable, but may, by diligent and cautious study, be gradually systematised and extended.

It is fortunately very true, that many of the most important of those truths have been already so triumphantly established, that they are not only in no danger of being again called in question, but have become matters of vulgar notoriety, and are constantly referred to and acted upon by thousands who would have been incapable of eliciting them from the masses of error and prejudice through which it was at first necessary to assert them. The general advantages of the *freedom* of Trade—the good effects of *Luxury*, or an increase of artificial wants—the folly of regarding *Money* as of more value than any other exchangeable commodity, and several others of the same sort, may now be ranked in this number. Yet there is not one of those that was not regarded as a most dangerous heresy at its first introduction—not one which had not to be fought for, not merely against the clamours of the vulgar, but against the authority of the very greatest statesmen and philosophers, of the modern and the ancient world. Though the general principles, however, are admitted, a struggle is still maintained, in certain quarters, as to the safety or expediency of giving effect to them in all possible situations; and it is contended that there ought to be *exceptions*,—in the case of the *corn* trade—the *usury* laws—the monopolies of the East India Company and the West India planters, and in some other cases. The battle, however, is now waged, as to these, on avowedly partial and almost avowedly on interested grounds; and, so far as purely economical principles are concerned, they may safely be added to the number of those on which public opinion is conclusively made up, and future delusion impracticable. We cannot but think, that we may include in the same class the questions as to Paper currency, the general effects of the Poor laws, and the possibility of two countries trading with great *mutual* advantage, although in one of them the rate of wages is far lower than in the other, and the facilities of production equal.

There remain, however, undoubtedly many questions, and some of great practical importance, on which the vulgar are not yet thus in safety to act, because the learned have not yet unanimously decided,—and on which, while *they* continue to differ, it must be allowed to be the height of presumption in any one to make up his mind, or to act, without consideration and study. We allude now to the questions as to the proper constituents of *Value*—the true nature of *Rent*—the proper ef-

facts of *Taxation* and public *Debt*, and the possibility of an *Excessive* production.

But if the abstract and general principles of the science were in themselves far more simple and obvious than they really are, the study would still be in the highest degree arduous and important, in so far as regards its useful and practical application. It might not, perhaps, be very difficult to lay down maxims for the regulation of trade and industry, in a new world, where all things were still in their natural and primitive condition, where there were no old prejudices to be overcome, and no old usages to be counteracted—and, above all, where no great interests had grown up in dependance on such usages, and no partial advantages were likely to result from the adoption of juster practices. It does not require much instruction to show, that water will always find its level; and in a country with untouched lakes and fountains, a great deal may be done on that simple principle, without any extraordinary hydrostatic or hydraulic knowledge. But, if great works have been already constructed in contempt of it—if vast sums have been expended in pumping up the waters beyond their natural point of elevation, and in maintaining basins and canals at such an artificial level, it is plain that these cannot be at once abandoned, without prodigious loss to individuals, and danger, perhaps, to the community; and that a far nicer and more exact estimate of the powers and forces employed, will be necessary for a *restoration* of the true system that might have sufficed for its first adoption. A moderate degree of medical skill—little more, perhaps, than mere common sense and observation—may suffice to regulate the diet and exercise of a man in health; though it may task the learning of a whole college of physicians to prescribe, either safely or successfully, for the complicated maladies of a sick debauchee.

Such, however, is the state to which all European nations, and especially England, have now come—with such debts and taxes, and colonies and corporations,—so much capital invested in trades that would be extinguished by free competition—such complicated relations, created by treaty and by rivalry with foreign countries—such balanced and artificial interests in competition at home—that any step towards a better arrangement must be taken at the hazard of consequences that can with difficulty be foreseen: And the political economist, whose task has been represented as so extremely simple and easy, can only be compared to a pilot required to steer among innumerable cross currents and varying shoals; or a chemist called upon to improve the quality of a compound, in which numbers of reacting substances are already in solu-

tion, and so many elective affinities acting in opposition to each other, that nothing but the most exquisite skill can predict what precipitations, or new combinations would result from the slightest disturbance.

In such a situation, it is worse than preposterous to maintain, that Political Economy is something too simple and easy to require teaching or study;—and truly frightful to think, that rash and presumptuous men, who know nothing more than some of the broad and general results of Adam Smith's speculations, a few sweeping and comprehensive maxims that have passed into vulgar currency, and are no longer weighed by those who deal with them, should take it upon them to decide on the great questions of internal policy that now call imperatively for our decision, or be allowed to influence public opinion by their confident and senseless clamours. There is truth and certainty in this science unquestionably—nay, more truth and more certainty, we will venture to say, than in any other that deals only with *moral* elements; but assuredly they do not lie on the surface, or are to be attained without careful study and consideration. Considered with relation to practice and general utility, they are indisputably of more importance than any other truths, relating to his mere temporal interests, of which man can attain a knowledge; and we would earnestly invite all who wish to promote their own worldly prosperity, or who have the means of influencing either public opinion or individual conduct, to enter upon the study, and to pursue it with perseverance and in earnest. It is a study in itself, we think, highly interesting and attractive, both from the magnitude of the interests it involves, the great variety of historical notices and explanations it supplies, and the multitude and familiarity of the illustrations by which it is everywhere confirmed. In the far greater part of its doctrines, too, there is nothing perplexing or obscure—and the part that is plain and certain is not only clearly distinguishable from that which is questionable, but furnishes principles so precise and manageable for the elucidation of the difficulties that occur, that, with a fair measure of care and attention, the truth may be almost always evolved, by a most satisfactory and beautiful deduction.

This science, which has been rapidly rising in importance and public estimation for the last fifty years, has lately acquired a peculiar and engrossing interest. The war of the sword has given place, over most of the civilized world, to the rivalry of commerce and finance—and the industrial resources of Europe, which had been neglected for nearly a century, are now everywhere pursued with an awakened intelligence and activity, with which it will require all our exertions to maintain a suc-

cessful competition—while at home, the change of relations, occasioned by the sudden termination of a long and universal war, has shut up so many old, and opened so many new channels to industry and commercial enterprise, that it has become the interest of almost every individual in the kingdom to consider in what manner capital and labour can be employed to the best advantage, and to ascertain, if possible, the principles by which adventure may be guided in safety to the attainment of wealth.

We may notice also, in this place, the great additional information which the commercial results of that extraordinary war incidentally afforded to the observer—and the many truths and errors which were, for the first time, experimentally established, by the measures which were then adopted. ‘The experience,’ as Mr M'Culloch has well observed in the work before us, ‘the experience of previous centuries was crowded into the short space of thirty years; and new combinations of circumstances not only served as tests whereby to try existing theories, but enabled even inferior writers to extend the boundaries of the science, and to become the discoverers of new truths. It is not too much to say, that the discussions that grew out of the restriction on cash payments by the Bank of England, and the consequent depreciation of the currency, have *perfected* the theory of Money; and the discussions respecting the policy of restrictions on the Corn trade, and the causes of the heavy fall of price which took place subsequently to the late peace, by meeting some of the ablest men that this country has ever produced to investigate the laws regulating the price of raw produce, the rent of land, and the rate of profit, have elicited many most important and universally applicable principles; and have given birth to a work rivalling the “Wealth of Nations” in importance, and excelling it in profundness and originality.’

The altered policy which these great and irresistible changes have already forced on our government, must obviously lead to still farther changes and corrections—the bearing and effects of which can only be determined by an enlightened consideration of some of the most delicate doctrines in the whole range of the science. The new and pleasing duty, too, which has been lately imposed on our rulers, of reducing and abating taxes, plainly calls for an exercise of economical skill, of no vulgar importance in itself, and for which they cannot have been prepared by any previous part of their training. The single problem that exercised the financial genius of the late reign—and that, heaven knows, most imperfectly solved—was how to *increase* taxation, with the least waste of capital or discouragement of industry. The task of encouraging

it by *diminishing* taxation, though apparently more simple, and unquestionably more popular, is yet attended with nearly equal difficulties, and obviously requires a large and comprehensive knowledge, both of facts and of principles—at once to foresee the facilities of improvement to which such remissions of imposts may give rise, and to determine the grounds of choice among the different remissions that may be suggested.

In addition to all these reasons for the general cultivation of this most important and most practical study, there is one other consideration, also arising out of the aspect of the times, that is probably of greater weight than any we have yet mentioned. We allude now to the rapid and remarkable progress which the lower orders are making in this and in all other branches of knowledge—as well as to the distinction and visible predominance that attaches in public life to those who can counsel on it with authority. Of all the derangements that can well take place in a civilized community, one of the most embarrassing and discreditable would be that which arose from the working classes becoming *more intelligent* than their employers. It would end undoubtedly, as it ought to end—in a mutual exchange of property and condition—but could not fail, in the mean time, to give rise to great and unseemly disorders. To avoid this, however, there seems to be nothing left for the richer classes but to endeavour to maintain their intellectual superiority by improving their understandings, and especially by making themselves thoroughly acquainted with those branches of knowledge on which they and their immediate dependents are most likely to come into direct collision. In a manufacturing country like this, there is always a tendency to disagreement between the labourers and their employers; and after a certain degree of intelligence has become general, and the means of communication have been made easy, there is really nothing, in our apprehension, that can prevent the perpetual hazard of the most frightful disorders, but to instruct both parties in the true principles of the relation by which they are connected. There is no natural issue to disputes which arise from ignorance on both sides—and not much chance for moderation in the conduct of them; and it is plain that they will only be aggravated by being referred to the decision of a legislature infected with the same ignorance—or with the passions and delusions of *one* of the contending parties.

Such, however, is the class and description of questions with which public and private men are destined, according to all probability, to be almost exclusively occupied, in the years that lie before us; and, in neither sphere, can distinction or great utility now be hoped for, except from the possession of those

shares will be proportionally great. When wages fall, therefore, this can only be, either because the capital of the country has become less, or the number of persons seeking employment greater; and the only way again to raise them, is, either to increase the capital, or to diminish and keep down the supply of labourers. Combinations and strikes of work may be necessary, upon any variation of circumstances, to bring things sooner to their proper level,—like shakes given to a clogged engine, or the jerks of a machine not working *sweetly*—but they never can affect the grand results; and if persisted in, or made systematic, can only have a tendency, by *diminishing* the quantity of production, to retard that accumulation of capital, which is *one*, though the least efficient, of the *two* only remedies that nature has provided for the evil. The grand and sure remedy is to diminish the supply of labour; and so to make the competition in the market a competition among the capitalists, bidding *up* against each other to get workmen—instead of a competition among the workmen, bidding *down* against each other for employment.

All this appears to us equally clear and simple; and though more development might be requisite to prevent misconception, or answer objections, we confess that we see nothing in the reasoning itself, which is not level to the capacity of any intelligent artisan, and might not be brought home to his entire and permanent conviction. We are sure that thousands of them learn and understand things far more difficult, and infinitely less interesting, every day at the Mechanics' Institutions; and have no doubt, in fact, that when the doctrine of Wages and Population is clearly and carefully explained at these invaluable establishments, they will be listened to with the most eager attention, and remembered with the most signal advantage. Mr M'Culloch has given so luminous a summary of these doctrines in the following short passage of the work before us, that we think it our duty, at the risk of some apparent repetition, to lay his edition of it also before our readers.

‘ From the remotest antiquity down to our own times, it had been the uniform policy of legislators to give an artificial stimulus to population, by encouraging early marriages, and bestowing rewards on those who had reared the greatest number of children. But the doctrines of Mr Malthus show the mischievous nature of all interference with the natural progress of population, and have in this respect effected a complete change in the public opinion. They have shown, that every increase in the numbers of the people, occasioned by artificial expedients, and which is not either preceded or accompanied by a corresponding increase in the means of subsistence, can be productive only of misery, or of increased mortality;—that the difficulty never is to bring human beings into the world; but to feed,

clothe, and educate them when there;—and that, so far from attempting to strengthen the principle of increase, we should invariably endeavour to control and regulate it.

‘ A few words only will be required to satisfy the most sceptical, that the well-being and happiness of society must ever necessarily depend on the degree in which the principle of increase is subjected to prudential control and regulation. Those who are least conversant with the principles of the science are aware, that the market rate of wages is exclusively dependent on *the proportion* which the capital of the country, or the means of employing labour, bears to the number of labourers. There is plainly, therefore, only one way of really improving the condition of the great majority of the community, or of the labouring class, and that is, *by increasing the ratio of capital to population*. If this be done, the rate of wages will be proportionally augmented, and the labourers will rise in the scale of society; whereas, if the ratio of capital to population be diminished, wages will be proportionally reduced, and the condition of the labourers changed for the worse. Unfortunately, the labourers have very little power over the increase or diminution of the national capital; but they are all-powerful in respect to the increase or diminution of the supply of labour. And if they had only good sense and intelligence sufficient to avail themselves of this power, they might, by *understocking* the market with labour, render their wages high, notwithstanding the demand for their services should happen to be diminished; while, if they do not avail themselves of this power, but allow the principle of population to exert its natural tendency to *overstock* the market with labour, wages will be low, to whatever extent the demand for labour may be increased. It appears, therefore, that the lower classes are in a very great degree the arbiters of their own fortune. What others can do for them is really, to use Mr Malthus’s words, *but as the dust of the balance, compared with what they can do for themselves*. Nor is there any very great reason to think that their condition will ever be materially improved, until they are made acquainted with the circumstances which govern the rate of wages, and are impressed with an intimate conviction of the important and unquestionable truth, that they are themselves the masters of the *only* means by which their command of the necessaries and comforts of life can be materially extended.

‘ These statements, though necessarily very brief and imperfect, are yet sufficient to show the utter fallacy of the opinions advanced by those who argue that the principles and conclusions of the Essay on Population are unfavourable to human happiness. The ignorant abuse with which Mr Malthus has been so perseveringly assailed, disgraceful as it is to its authors, can have but little influence in retarding the adoption of juster views: and the more general dissemination of the elementary principles of the science afford good grounds for hoping, that the period is not very far distant, when the prejudices and misrepresentations, so industriously propagated on this

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subject, will have lost much of their influence, and when it will be generally admitted, that it is by the *condition* of the people—by the extent of their command over the necessaries and enjoyments of human life, and *not* by their *numbers*, that their happiness is to be estimated; and that the extent of this command must, generally speaking, depend on the prudence and discretion displayed in supplying the market with labour.’ pp. 61—64.

Having said thus much generally on *the subject* of the volume before us, we do not now propose to enter into any detailed account of its contents. It is merely a summary, or Introductory Discourse, premised to a series of Lectures on Political Economy—and contains, of course, little more than a slight outline of the subjects to be discussed,—together with a succinct, learned and luminous account of the origin and progress of the science itself, and an answer to some of the most popular objections that have been stated to its utility. The historical sketch is executed with peculiar spirit and originality: and contains, besides many curious notices of *germinal* truths in the writings of Child, Petty, and Dudley North, the best condensed account of the doctrines of Quesnay and the *Economistes*, and of all the foreign authors on the science, that is any where to be met with. Mr M'Culloch's view of the defects of the system of Adam Smith, and of the respective merits of Malthus and Ricardo, is equally masterly and candid. It is more suitable, however, to our present purpose, to give a short specimen of his more comprehensive and popular observations.

After stating, with his usual caution and sagacity, that it would be unreasonable to expect any signal or *immediate* effect from the most general study of the principles of this science, he observes, that it would not be easy, however, to overrate the pernicious effects even of *popular* ignorance and misconception, on the subject to which it relates; and states that, in the course of his Lectures, he has ‘frequent occasion to refer to various instances, among the innumerable variety that might be pointed out, both in the history of this and other countries, to show the injurious effects of popular ignorance on national prosperity. How often, for example, have all the evils of *scarcity* been aggravated by the groundless prejudices of the public against *corn-dealers*, and the injudicious interference of government? How often have *restrictions* and *prohibitions* been solicited by those to whom they proved productive only of ruin? How often have the labouring classes endeavoured to prevent the introduction and improvement of *machines* and processes for abridging labour, and reducing the cost of production, though it is certain that they are uniformly the greatest gainers by them? How much has the rate of wages been reduced, and the condition of the lower classes been deteriorated, by the prevalence of mistaken opinions

respecting the principle of *population*; and the mistaken application of public *charities*? The object of the famous Excise scheme, proposed by Sir Robert Walpole in 1733, was not to raise the duties on any commodity whatever, but to introduce the *warehousing and bonding system*—"To make London a free port, and by consequence the market of the world." And yet the mere proposal of this scheme had well nigh lighted up the flames of rebellion in the country, and its abandonment by the minister was hailed with the most earnest and enthusiastic demonstrations of popular rejoicing. And such is the strength of vulgar prejudice, that it was not until 1803 that the warehousing system—the greatest improvement that has perhaps ever been made in the financial and commercial policy of the country—could be safely adopted.

"But where examples of this sort are so numerous and striking as to arrest the attention of every one, it is unnecessary to specify them. I shall only, therefore, further observe, that the war of 1756, the American war, and the greater part of the wars of last century, with the exception of those that grew out of the French Revolution, were waged for the purpose of preserving or acquiring some exclusive commercial advantage. But does any one suppose that these contests could have been carried on, at such an infinite expense of blood and treasure, had the mass of the people known that their object was utterly unattainable?—had they known that it is impossible for any one country to monopolize wealth and riches; and that every such attempt must ultimately prove ruinous to itself, as well as injurious to others? It is to Political Economy that we owe an incontrovertible demonstration of these truths;—truths that are destined to exercise the most salutary influence on humanity—to convince mankind that it is for their interest to live in peace, to deal with each other on fair and liberal principles, and not to become the dupes of their own short-sighted avarice, or the willing instruments of the blind ambition, or petty animosities, of their rulers." pp. 87—90.

In another place, when pointing out the boundaries that distinguish this science from the kindred one of Politics, he observes,

'If free states generally make the most rapid advances in wealth and population, it is an indirect rather than a direct consequence of their political constitution. It results more from the greater probability that the right of property will be held sacred—that the freedom of industry will be less fettered and restricted,—and that the public income will be more judiciously levied and expended under a popular government, than from the mere circumstance of a greater proportion of the people being permitted to exercise political rights and privileges. Give the same securities to the subjects of an absolute monarch, and they will make the same advances. Industry does not require to be stimulated by extrinsic advantages. The ad-

ditional comforts and enjoyments which it procures have always been found sufficient to ensure the most persevering and successful exertions. And whatever may have been the form of government, those countries have always advanced in the career of improvement, in which the public burdens have been moderate, the freedom of industry permitted, and every individual enabled peaceably to enjoy the fruits of his labour. It is not, therefore, so much on its political organization, as on the talents and spirit of its rulers, that the wealth of a country is principally dependent. Economy, moderation, and intelligence on the part of those in power, have frequently elevated absolute monarchies to a very high degree of opulence and of prosperity; while, on the other hand, all the advantages derived from a more liberal system of government have not been able to preserve free states from being impoverished and exhausted by the extravagance, intolerance, and short-sighted policy of their rulers.' pp. 77, 78.

The following is also in every way entitled to our attention.

" England is the native country of Political Economy: But she has not treated it with a kind and fostering hand: She cannot boast of being the first to perceive the advantage of rendering it a branch of popular instruction, or to form establishments for that purpose. It is to Italy, or rather to an Italian citizen, Bartholomew Intieri, a Florentine, celebrated by his countrymen for the variety of his useful attainments, and the benevolence of his character, that this honour is due. Having resided long in Naples, in the capacity of manager of the estates of the Corsini and Medici families, Intieri necessarily became familiar with many of the abuses with which every part of the internal administration of that country was infected; and being strongly impressed with a conviction, that the easiest, safest, and most effectual reform of these abuses, would be produced by rendering the public generally acquainted with the genuine sources of national wealth and prosperity, and of poverty and misery, he determined to show his gratitude to the Neapolitans for the kindness he had experienced during his residence amongst them, by instituting a course of lectures on this science. For this purpose, Intieri applied to the Neapolitan government to be permitted to found a professorship of Political Economy in the University of Naples, to which a salary of 300 scudi should be attached, stipulating that the lectures should be given in the Italian language; that his distinguished friend Genovesi should be the first professor; and that, after his death, no individual in holy orders should be appointed to the chair. The government having, greatly to its credit, agreed to these conditions, Genovesi opened his class on the 5th of November 1754. His lectures, which were very successful, were published in 1764, in two volumes 8vo, under the title of *Lezioni di Commercio o sia di Economia Civile*. In 1769, the Empress Maria Theresa founded a similar chair in the University of Milan, and appointed the justly celebrated Marquis Beccaria its first professor. But it is not in coun-

ties subjected to arbitrary governments, and deprived of the freedom of the press, that lectures on Political Economy can be of any considerable service. The timid and jealous rulers of Naples and Austria speedily took fright at the existence of institutions which the enemies of improvement taught them to fear might have the effect to excite dissatisfaction; and the chairs founded by Intieri and Maria Theresa were in consequence suppressed.

It is due, however, to the Emperor Alexander to state, that he has given considerable encouragement to the study of Political Economy in Russia. M. Henri Storch composed, at his request, a course of lectures for the Grand Dukes Nicholas and Michael, which were published in 1815 under the title of *Cours d'Economie Politique*. This work reflects the greatest credit on its author, and does honour to the liberality of the government, at whose expense it was published. Besides a clear and able exposition of the most important principles respecting the production of wealth and the freedom of commerce and industry, M. Storch's work contains many excellent disquisitions on subjects that have engaged but little of the attention of the English and French economists. His accounts of the slave system of ancient Rome and modern Russia, and of the paper money of the different continental states, are exceedingly interesting and instructive. Without the remotest intention of depreciating the labours of others, I conceive that I am fully warranted in placing the work of M. Storch at the head of all the works on Political Economy ever imported from the Continent into England.

But while arbitrary princes have appointed professors to instruct their subjects in the principles of this master-science of civil life, it has been left to struggle in this country without any public patronage against the prejudices of ignorance, interest, authority, and fashion. The nation which of all others is most interested in the progress of Political Economy,—whose financial and commercial system is most complicated, and where public opinion has the greatest influence on the conduct of government,—is almost the only one in Europe that has made no effort to facilitate its general acquisition; or to introduce it, under the superintendence of separate professors, into those establishments where it would be recommended by so many old associations, and adventitious attractions to the future Legislators of the country. This defect in our system of public education is undoubtedly the cause why so many of those who have filled the highest stations, and who have had to decide on the most important financial and commercial questions, should, though otherwise possessed of the greatest talents and acquirements, have been so very ill acquainted with the principles and doctrines of this science. It is not their fault, but the fault of their instructors, if it may be truly said of them, that *Plerique ad honores adipiscendos, et ad Rempublicam gerendam nudi venirent atque incermes; nullâ cognitione rerum, nullâ scientiâ ornati.* p. 90-91.

Since this was written, we understand a Professorship of this

science has been founded, by the munificence of a private individual (Mr H. Drummond), in the University of Oxford,—the endowment having been received with the most grateful alacrity by that ancient and dignified Body; and the Ricardo Lecture has been prosperously established in the metropolis—the Discourse before us being indeed the preamble to the first course delivered in that Institution. Nor should it be forgotten, that for many years back Mr Malthus has delivered a most instructive course of Lectures on the same subject, in the East India Company's College at Haylebury.

With us in Scotland, these good examples have not yet been followed; but we trust the time is at hand when this reproach will be taken away from us. In the mean time it is proper to mention, that Mr Milne, the Professor of Moral Philosophy at Glasgow, has for many years delivered in that University an useful course of Lectures on Political Economy; and that about twenty-three years ago, our illustrious countryman, Dugald Stewart, gave two short courses on the same subject from the Ethical chair of this city. A proposition, we understand, was recently made by certain respectable individuals in this place, to endow a separate Professorship for this science in our University, under the Royal patronage. But the scheme, though supported by many persons of great local authority, and, among others, by most of the distinguished teachers in the University, was not fortunate enough to obtain the approbation of that learned Body in its corporate capacity; and was rejected for the time—chiefly, as we have understood, on the ground of the subject being supposed to fall within the province of the Professor of Moral Philosophy, and of the learned person who now fills that Chair being likely, in a short time, to deliver a course of lecture on it himself.

This, we feel, is not the time for discussing either the legal right to the monopoly that is here asserted, or the expediency of establishing such pluralities in our Universities—though upon both points we confess we have a very decided opinion. With every respect, however, for the abilities of our present Ethical Professor, we must be permitted to say, that the province which has been actually assigned him, and to which he has hitherto limited his cares, seems to us sufficiently ample to satisfy the ambition, and to task the industry of any one individual. Our Southern readers are not, perhaps, aware that the Professor of Moral Philosophy is with us expected to lecture, not only on all the doctrines and theories of Ethics, but also on every branch of Metaphysics, or what has been recently called the Philosophy of Mind—upon most of the principles of Natural Philosophy—and upon the elements of Politics and general

Law. To discuss all these subjects worthily, from the chair so lately filled by Fergusson, Stewart, and Brown, we should think no light undertaking; without spontaneously assuming the additional burden of another and very extensive science—a science, which the undivided labours of many years were insufficient to bring to maturity in the hands of Adam Smith—which fully occupies the academical industry of Malthus, and left but little leisure to the energetic activity of Ricardo.

We do not exactly know what colour the terms of the learned Professor's patent lend to his claim to the exclusive right of teaching this science academically. But we do know, that in cases where there was the most express grant of such exclusive right, it has never been thought fit to insist on it, when public expediency seemed in any way to require its relaxation. The learned Professor will not have gone far in his preparations for the new duties he is said to contemplate, till he is made aware of the infinite advantage of *the division of labour* in general—and has only to look round to the practice, and back to the history of his own University, to see the most conspicuous examples of its beneficial adoption in the great business of instruction. There was originally, for instance, but one, or at most two, Professors of Medical Science in all our Universities—whose duty, and of course whose right it was, to accomplish students in every branch of that great mystery. With the progress of knowledge, however, the number of labourers was increased—and at Edinburgh, we have now no fewer than *nine* Medical Professors. To finish a Doctor, in short, in our improved academical manufactory, he must pass through as many hands as *a pin*. He is first drawn out and cut over by the Professor of Anatomy—the head is then made by the Professor of the Theory of Medicine, and put on by the Professor of the Practice—he is next silvered over by the Professors of Botany and Chemistry—pointed by the Professors of Surgery—burnished up by the Professor of the Art Obstetrical—and finally papered and labelled by the Professor of *Materia Medica*. After this, it is obviously absurd to say that it is against the constitutional practice of our University to admit any one but the Professor of Ethics to lecture within its bounds upon Political Economy; and it is needless, therefore, to refer to less conspicuous instances. In very recent times, however, it may be observed, that the Professor of Law has had a rib taken out, and moulded into a separate Professor of Conveyancing—and the Professor of Surgery has suffered a similar operation in the creation of a kindred chair for Military Surgery—both these last being invasions of the original monopoly of the Professor of Anatomy. In all

these instances, too, the new sciences were actually taught by the Professors, from whose too extensive province they were afterwards divided. But Political Economy has never (with the exception of Mr Stewart's two short courses) been taught by our Professor of Ethics. Confessedly it cannot be taught *as a part* of Moral Philosophy. If taught at all by the professor of that science, it must be taught in a separate course of lectures—to separate pupils, and for separate and additional fees. This consideration alone, we think, should be decisive of the question of right. If Political Economy *be a part* of Moral Philosophy, then it ought to form a part of the lectures in which the Professor of Moral Philosophy unfolds all the branches of that comprehensive science. But if it is to form the subject of a *separate* course of lectures, why should these be delivered by the Professor of Moral Philosophy, and not by a separate professor? Our academical practice presents us with many examples of a teacher being charged at first with *one* very great and extensive department—and of business being afterwards carved out of it for several other teachers; but we are not aware that a single instance can be pointed out, in which *one* teacher has been tasked with *two* separate departments—so separate, that no one has ever proposed or attempted to *combine* them.

It is needless, however, to urge this any farther. We have a strong persuasion that the learned individual we allude to will ultimately decline entering upon a career so questionable and full of peril, and waive all pretension to any exclusive right to teach this science. In so doing, we confess that we think he will act most prudently and liberally. But, even if he should decide otherwise, and adventure upon adding a new professorship of Political Economy to that which he already holds, we shall still rejoice to see so much done for the promotion of that study. If he succeed, and delivers a popular and useful course, he will do infinite credit to himself, and great good to the public, though with the disadvantage of setting a bad and hazardous example. If he fail, he will at least testify very decidedly his own sense, and that of his academical brethren, of the necessity of having such a class in the University—and demonstrate the impolicy of any attempt to engraft it on another, by the unprosperous issue of such an experiment, even in the hands of a man of extraordinary ability.

For our own part, if we have a good course of lectures, it is nearly a matter of indifference to us by whom they may be delivered. We cannot but think, indeed, that it would be a great advantage to have at the outset, a person of the admitted ta-

ments, established reputation, and tried skill in teaching, of Mr. Macculloch—more especially when we consider, that by having been twice appointed to deliver the Ricardo Lectures in London, he has had the means of establishing a connection with the great merchants of that vast metropolis—and of thus correcting, by their practical and experimental knowledge, whatever might be doubtful in his own theoretical deductions. If a fitter person can be found, however, Mr Macculloch shall have no vote of ours. We do not think it unlikely, indeed, that he is destined for still higher things—and that he would not thank us for the provincial preferment to which we are so selfishly recommending him.

Though we are thus anxious, however, to see this Science taught regularly in our Universities, and think, on the whole, that it would now be taught there to the greatest advantage, this anxiety, we must say, arises more from the interest we take in the character and prosperity of those great establishments, than from any opinion that it could not be taught successfully elsewhere. On the contrary, though we greatly wish to see it thus solemnly adopted into the scheme of our national education, we should very much regret to find the means of studying it withheld from those who could not resort to those distant and expensive Seminaries: There ought, indeed, to be a class for it in every large town or populous neighbourhood: And we trust that individuals, or combinations of individuals, may soon be found to follow the splendid example of Mr Drummond, by the endowment of many such Lectures or Professorships in such situations. We have no doubt that it will soon occupy a conspicuous place in the courses of instruction delivered at the Mechanics' Institutions; and that, while certain branches of it are carefully explained at them all, there will be found to be many in which the fullest exposition of its whole doctrines will not be found too much for the intelligence or patience of the pupils.

ART. II. *Memoirs of Samuel Pepys, Esq. F. R. S., Secretary to the Admiralty in the Reigns of Charles II. and James II. Comprising his Diary from 1659 to 1669, deciphred by the Rev. John Smith, A. B. of St. John's College, Cambridge, from the original Short-hand MS. in the Pepysian Library, and a Selection from his Private Correspondence.* Edited by RICHARD LORD BRAYBROOKE. 2 vols. 4to. London, 1825.

WE have a great indulgence, we confess, for the taste, or curiosity, or whatever it may be called, that gives its

value to such publications as this; and are inclined to think the desire of knowing, pretty minutely, the manners and habits of former times,—of understanding, in all their details, the character and ordinary way of life and conversation of our forefathers—a very liberal and laudable desire—and by no means to be confounded with that hankering after contemporary slander, with which this age is so miserably infested, and so justly reproached. It is not only curious to see from what beginnings, and by what steps, we have come to be what we are: It is most important, for the future and for the present, to ascertain what practices, and tastes and principles, have been commonly found associated or disunited: And as, in uncultivated lands, we can often judge of their inherent fertility by the quality of the weeds they spontaneously produce—so we may learn, by such an inspection of the moral growths of a country, compared with its subsequent history, what prevailing manners are indicative of vice or of virtue—what existing follies foretell approaching wisdom—what forms of licentiousness give promise of coming purity, and what of deeper degradation—what uncertain lights, in short, announce the *rising*, and what the *setting* sun! While, in like manner, we may trace in the same records, the connexion of public and private morality, and the mutual action and reaction of government and manners;—and discover what individual corruptions spring from political dishonour—what domestic profligacy leads to the sacrifice of freedom—and what national virtues are most likely to resist the oppressions, or yield to the seductions of courts.

Of all these things History tells us little—and yet they are the most important that she could have been employed in recording. She has been contented, however, for the most part, with detailing merely the broad and apparent results—the great public events and transactions, in which the true working principles of its destiny have their end and consummation; and points only to the wrecks or the triumphs that float down the tide of human affairs, without giving us any light as to those *ground currents* by which its central masses are governed, and of which those superficial appearances are, in most cases, the necessary, though unsuspected effects.

Every one feels, we think, how necessary this information is, if we wish to understand what antiquity really *was*, and what manner of men existed in former generations—how vague and unsatisfactory, without it, are all public annals and records of dynasties and battles—of how little interest to private individuals—of how little use even to philosophers and statesmen! Before we can apply any example in history, or even comprehend its ac-

real import, we must know something of the character, both of the age and of the persons to which it belongs—and understand a good deal of the temper, tastes, and occupations, both of the actors and the sufferers. Good and evil change natures with a change of these circumstances; and we may be lamenting as the most intolerable of calamities, what was scarcely felt as an infliction, by those on whom it fell. Without this knowledge, therefore, the most striking and important events are mere wonders to be stared at—altogether barren of instruction—and probably leading us astray, even as occasions of sympathy or moral emotion. These minute details, in short, which History has so often rejected as below her dignity, are indispensable to give life, certainty or reality to her delineations; and we should have little hesitation in asserting, that no history is really worth any thing, unless it relate to a people and an age of which we have also those humbler and more private memorials. It is not in the grand Tragedy, or rather the Epic fictions, of History, that we learn the true condition of former ages—the real character of past generations, or even the actual effects that were produced on society or individuals at the time, by the great events that are there so solemnly recorded. If we have not some remnants or some infusion of the Comedy of middle life, we neither have any idea of the state and colour of the general existence, nor any just understanding of the transactions about which we are reading.

For what we know of the ancient Greeks for example—for all that enables us to imagine what sort of thing it would have been to have lived among them, or even what effects were produced on the society of Athens or Sparta by the battles of Marathon or Salamis, we are indebted not so much to the histories of Herodotus, Xenophon, or Thucydides, as to the Deipnosophists of Athenæus—the anecdotes of Plutarch—the introductory and incidental passages of the Platonical dialogues—the details of some of the private orations—and parts of the plays of Plautus and Terence, apparently copied from the Greek comedies. For our personal knowledge of the Romans again, we do not look to Livy, or Dionysius—or even to Cæsar, Sallust, or Tacitus; but to Horace, Petronius, Juvenal, and the other satirists—to incidental notices in the Orations and Dialogues of Cicero—and above all to his invaluable Letters,—followed up by those of Pliny,—to intimations in Plutarch, and Seneca, and Lucian—to the books of the Civil law—and the biographies and anecdotes of the Empire, from Suetonius to Procopius. Of the feudal times—the heroic age of modern Europe—we have fortunately more abundant and minute information, both in the Romances of chivalry, which embody all the details of upper

life; and in the memoirs and chronicles of such writers as Commines and Froissart, which are filled with so many individual pictures and redundant particularities, as to leave us scarcely any thing more to learn or to wish for, as to the manners and character, the temper and habits, and even the daily life and conversation, of the predominating classes of society, who then stood for every thing in those countries: And, even with regard to their serfs and vassals, we are not without most distinct and intelligible lights—both in scattered passages of the works we have already referred to, in various ancient Ballads and legends relating to their condition, and in such invaluable records as the humorous and more familiar tales of our immortal Chaucer. For the character and ordinary life of our more immediate ancestry, we may be said to owe our chief knowledge of it to Shakespeare, and the comic dramatists by whom he was succeeded—reinforced and supported by the infinite quantity of obscure and insignificant matter which the industry of his commentators has brought back to light for his elucidation—and which the matchless charm of his popularity has again rendered both interesting and familiar. The manners and habits of still later times are known to us, not by any means by our public histories, but by the writers of farces and comedies, polite essays, libels and satires—by collections of private letters, like those of Gray, Swift, Arbuthnot, and Lord Orford—by private memoirs or journals, such as those of Mrs Lucy Hutchinson, Swift's *Journal to Stella*, and Doddington's *Diary*—and, in still later times, by our gay and satirical novels—by caricature prints—by the better newspapers and magazines,—and by various minute accounts (in the manner of Boswell's *Life of Johnson*) of the private life and conversation of distinguished individuals.

The work before us relates to a period of which we have already very considerable memorials. But it is, notwithstanding, of very great interest and curiosity. A good deal of what it contains derives, no doubt, its chief interest from having happened 180 years ago: But there is little of it that does not, for that very reason, throw valuable lights on our intermediate history. It consists, as the title shows, of a very minute and copious *Diary*, continued from the year 1659 to 1669—and a correspondence, much less perfect and continuous, down nearly to the death of the author in 1703. Fortunately for the public part of the story, the author was, from the very beginning, in immediate contact with persons in high office and about court—and, still more fortunately for the private part, seems to have been possessed of the most extraordinary acti-

vity, and the most indiscriminating, insatiable, and miscellaneous curiosity, that ever prompted the researches, or supplied the pen, of a daily chronicler. Although excessively busy and diligent in his attendance at his office, he finds time to go to every play, to every execution, to every procession, fire, concert, riot, trial, review, city feast, public dissection or picture gallery that he can hear of. Nay, there seems scarcely to have been a school examination, a wedding, christening, charity sermon, bull-baiting, philosophical meeting, or private merry-making in his neighbourhood, at which he was not sure to make his appearance, and mindful to record all the particulars. He is the first to hear all the court scandal, and all the public news—to observe the changes of fashions, and the downfall of parties—to pick up family gossip, and to retail philosophical intelligence—to criticise every new house or carriage that is built—every new book or new beauty that appears—every measure the King adopts, and every mistress he discards.

For the rest of his character, he appears to have been an easy tempered, compassionate, and kind man, combining an extraordinary diligence and regularity in his official business and domestic economy, with a singular love of gossip, amusement, and all kinds of miscellaneous information—a devoted attachment, and almost ludicrous admiration of his wife, with a wonderful devotion to the King's mistresses, and the fair sex in general, and rather a suspicious familiarity with various pretty actresses and singers; and, above all, a practical sagacity and cunning in the management of affairs, with so much occasional credulity, puerility, and folly, as would often tempt us to set him down for a driveller. Though born with good blood in his veins, and a kinsman, indeed, of his great patron, the first Earl of Sandwich, he had nothing to boast of in his immediate progenitors, being born the son of a tailor in London, and entering on life in a state of the utmost poverty. It was probably from this ignoble vocation of his father, that he derived that hereditary taste for Dress which makes such a conspicuous figure in his Diary. The critical and affectionate notices of doublets, cloaks, beavers, periwigs, and sword-belts, actually outnumbering, we think, all the entries on any other subject whatever, and plainly engrossing, even in the most agitating circumstances, no small share of the author's attention. Perhaps it is to the same blot in his scutcheon, that we should trace a certain want of manliness in his whole character and deportment. Certain it is at least, that there is room for such an imputation. He appears before us, from first to last, with the true temper, habits, and manners of an *Underling*—obsequious to his superiors—civil and smooth to all men—lavish in attentions to persons of influence whom he

dislikes—and afraid and ashamed of being seen with his best friends and benefactors, when they are supposed to be out of favour—most solicitous to keep out of quarrels of all sorts—and ensuring his own safety, not only by a too humble and pacific bearing in scenes of contention, but by such stretches of simulation and dissimulation as we cannot easily reconcile to our notion of a brave and honourable man.

To such an extent, indeed, is this carried, that, though living in times of great actual, and greater apprehended changes, it is with difficulty that we can guess, even from this most copious and unreserved record of his inmost thoughts, what were his political opinions, or whether indeed he had any. We learn, indeed, from one passage, that in his early youth he had been an ardent Roundhead, and had in that capacity attended with exultation the execution of the King—observing to one of his companions at the time, that, if he had been to make a sermon on the occasion, he would have chosen for his text the words, “The memory of the wicked shall rot.” This, to be sure, was when he was only in his eighteenth year—but he seems afterwards to have accepted of a small office in the Republican Court of Exchequer, of which he is in possession for some time after the commencement of his Diary. That work begins in January 1659, while Monk was on his march from Scotland; and yet, not only does he continue to frequent the society of Harrington, Hazlerigge and other staunch republicans, but never once expresses any wish of his own, either for the restoration of the Royalty, or the continuance of the Protectorate, till after he is actually at sea with Lord Sandwich, with the ships that brought Charles back from Breda. After the Restoration is consolidated, indeed, and he has got a good office in the Admiralty, he has recorded, amply enough, his anxiety for the permanency of the ancient dynasty—though he cannot help, every now and then, reprobating the profligacy, wastefulness, and neglect of the new government, and contrasting them disadvantageously with the economy, energy, and popularity, of most of the measures of the Usurper. While we give him credit therefore, for great candour and impartiality in the *private* judgments which he has here recorded, we can scarcely pay him the compliment of saying that he has any political principles whatever—or any, at least, for which he could ever have dreamed of hazarding his own worldly prosperity.

Another indication of the same low and ignoble turn of mind is to be found, we think, in his penurious anxiety about his money—the intense satisfaction with which he watches its increase, and the sordid and vulgar cares to which he con-

descends to check its expenditure. Even after he is in possession of a great income, he goes and sits by the tailor till he sees him sew all the buttons on his doublet—and spends four or five hours, of a very busy day, in watching the coach-maker laying on the coats of varnish on the body of his coach! When he gives a dinner, he knows exactly what every dish has cost him—and tells a long story of his paddling half the night with his fingers in the dirt, digging up some money he had buried in a garden, and conveying it with his own hands, with many fears and contrivances, safely back to his house. With all this, however, he is charitable to the poor, kind to his servants and dependents, and very indulgent to all the members of his family—though we find him chronicle his own munificence in helping to fit out his wife's brother, when he goes abroad to push his fortune, by presenting him with ‘ten shillings—and a coat that I had by me—a close bodied, light-coloured, cloth coat—with a gold edging on each seam—that was the lace of my wife's best petticoat, when I married her!’

• As we conceive, a good deal, not only of the interest, but of the authority and just construction of the information contained in the work, depends on the reader having a correct knowledge of the individual by whom it is furnished, we think we cannot do better than begin our extracts with a few citations illustrative of the author's own character, habits, and condition, as we have already attempted to sketch them. The very first entry exhibits some of his peculiarities. He was then only twenty-seven years of age—and had been received, though not with much honour, into the house of his kinsman Sir E. Montague, afterwards Earl of Sandwich. This is his condition in the beginning of 1659.

‘Jan. 1st, (Lord's Day.) This morning (we living lately in the garret,) I rose, put on my suit with great skirts, having not lately worn any other clothes but them. Went to Mr Gunning's chapel at Exeter House, &c. Dined at home in the garret, where my wife dressed the remains of a turkey, and in the doing of it she burned her hand. I staid at home the whole afternoon, looking over my accounts; then went with my wife to my father's, &c.—2d. From the Hall I called at home, and so went to Mr Crewe's (my wife she was to go to her father's), and Mr Moore and I and another gentleman went out and drank a cup of ale together in the new market, and there I eat some bread and cheese for my dinner.’

His passion for dress breaks out in every page almost; but we shall insert only one or two of the early entries, to give the reader a notion of the style of it.

‘10th. This day I put on my new silk suit, the first that ever I wore in my life. 12th. Home, and called my wife, and took her to Clodins's to a great wedding of Nan Hartlib to Mynher Roder, which

was kept at Goring House with very great state, cost, and noble company. But among all the beauties there, my wife was thought the greatest.—13th. Up early, the first day that I put on my black camlett coat with silver buttons. To Mr Spong, whom I found in his night-gown, &c.—14th. To the Privy Seale, and thence to my Lord's, where Mr Pin the taylor, and I agreed upon making me a velvet coat.—25th. This night W. Hewer brought me home from Mr Pim's my velvet coat and cap, the first that ever I had. This the first day that ever I saw my wife wear black patches since we were married.—My wife seemed very pretty to-day, it being the first time I had given her leave to wear a black patch.—22d. This morning, hearing that the Queene grows worse again, I sent to stop the making of my velvet cloak, till I see whether she lives or dies.—30th. To my great sorrow find myself 43*l.* worse than I was the last month, which was then 760*l.* and now it is but 717*l.* But it hath chiefly arisen from my layings-out in clothes for myself and wife; viz. for her about 12*l.* and for myself 55*l.*, or thereabouts; having made myself a velvet cloak, two new cloth skirts, black, plain both; a new shag gown, trimmed with gold buttons and twist, with a new hat, and silk tops for my legs, and many other things, being resolved henceforward to go like myself. And also two perriwigs, one whereof costs me 3*l.* and the other 40*s.* I have worn neither yet, but will begin next week, God willing.—29th. Lord's-day. This morning I put on my best black cloth suit, trimmed with scarlett ribbon, very neat, with my cloak lined with velvett, and a new beaver, which altogether is very noble, with my black silk knit canons I bought a month ago.—30th. Up, and put on a new summer black bombazin suit; and being come now to an agreement with my barber to keep my perriwig in good order at 20*s.* a year, I am like to go very spruce, more than I used to do.—31st. This day I got a little rent in my new fine camlett cloak with the latch of Sir G. Carteret's door; but it is darned up at my tailor's, that it will be no great blemish to it; but it troubled me.

This, we suppose, is enough—though there are more than 500 such notices at the service of any curious reader. It may be supposed what a treat a Coronation would be to such a fancier of fine clothes; and accordingly, we have a most rapturous description of it, in all its glory. The King and the Duke of York in their morning dresses were, it seems, 'but very plain men;' but, when attired in their 'most rich embroidered suits and cloaks, they looked most noble.' Indeed, after some time, he assures us, that 'the show was so glorious with gold and silver, that we are not able to look at it any longer, our eyes being so much overcome!'

As a specimen of the credulity and *tweak* which constitutes another of the staples of this collection, the reader may take the following.

'19th. Waked with a very high wind, and said to my wife, "I

pray God I hear not of the death of any great person,—*THIS WIND IS SO HIGH!*” fearing that the Queene might be dead. So up; and going by coach with Sir W. Batten and Sir J. Minnes to St James’s, they tell me that Sir W. Compton, who it is true had been a little sickly for a week or fortnight, but was very well upon Friday night last, at the Tangier Committee with us, was dead,—died yesterday: at which I was *most exceedingly surprised*—*he being, and so all the world saying that he was, one of the worthiest men and best officers of State now in England!*

‘ 23d. To Westminster Abbey, and there did see all the tombs very finely, having one with us alone (there being other company this day to see the tombs, it being Shrove-Tuesday): and here we did see, by particular favour, the body of Queen Katherine of Valois;—and I had the upper part of her body in my hands,—and I did kiss her mouth—reflecting upon it that I did kiss a queene, and that this was my birth day,—thirty-six years old—that I did kiss a queene! But here this man, who seems to understand well, tells me that the saying is not true that she was never buried,—for she was buried.—Only when Henry the Sevonth built his chapel, she was taken up and laid in this wooden coffin; but I did there see that in it the body was buried in a leaden one, which remains under the body to this day, &c. &c.—29th. We sat under the boxes, and saw the fine ladies; among others, my Lady Kerne-guy, who is most devilishly painted. And so home—it being mighty pleasure to go alone with my poor wife in a coach of our own to a play! and makes us appear mighty great, I think, in the world; at least, greater than ever I could, or my friends for me, have once expected; or, I think, than ever any of my family ever yet lived in my memory—but my cosen Pepys in Salisbury Court.’

Or the following memorandums of his travels.

‘ A mighty cold and windy, but clear day; and had the pleasure of seeing the Medway running winding up and down mightily,—and a very fine country: and I went a little out of the way to have visited Sir John Bankes, but he at London; but here I had a sight of his seat and house, the outside, which is an old abbey just like Hincling-broke, and as good at least, and mightily finely placed by the river; and he keeps the grounds about it, and walks and the house, very handsome: I was mightily pleased with the sight of it. Thence to Maydstone, which I had a mighty mind to see, having never been there; and walked all up and down the town,—and up to the top of the steeple—and had a noble view, and then down again: and in the town did see an old man beating of flax! and did step into the barn and give him money, and saw that piece of husbandry, which I never saw; and it is very pretty! In the street also I did buy and send to our inne, the Bell, a dish of fresh fish. And so having walked all round the town, and found it very pretty as most towns I ever saw, though not very big, and people of good fashion in it, we to our inne and had a good dinner; and a barber came to me and there trimmed me, that I might be clean against night to go to Mrs Allen, &c.

' So all over the plain by the sight of the steeple (the plain high and low) to Salisbury by night; but before I came to the town, I saw a great fortification, and there light, and to it and in it I and find it prodigious! so as to fright me to be in it all alone, at that time of night—it being dark. I understand since it to be that that is called Old Sarum. Come to the George Inn, where lay in a silk bed; and very good diet, &c. &c.—' 22d. So the three women behind W. Flewer, Murford, and our guide, and I single to Stonehenge, over the plain, and some great hills, even to fright us! Come thither, and find them as prodigious as any tales I ever heard of them, and worth going this journey to see. God knows what their use was: they are hard to tell, but yet may be told.'—' 12th. Friday. Up, finding our beds good, but lousy; which made us merry!—' 9th. Up, and got ready, and eat our breakfast; and then took coach: and the poor, as they did yesterday, did stand at the coach to have something given them, as they do to all great persons; and I did give them something: and the town music did also come and play; but, Lord! what sad music they made! So through the town, and observed at our College of Magdalene the posts new painted! and understand that the Vice-Chancellor is there this year.'

Though a great playgoer, we cannot say much for his taste in plays, or indeed in literature in general. Of the *Midsummer's Dream*, he says, 'it is the most insipid, ridiculous play I ever saw in my life.' And he is almost equally dissatisfied with the *Merry Wives of Windsor*, and *Henry the IV.* To make amends, however, for these misjudgments, he is often much moved by the concord of sweet sounds; and has, in the following passage, described the effects they produced on him, in a way that must be admitted to be original. The *Virgin Martyr* (of Massenger), he says, was 'mighty pleasant! Not that the play is worth much, but it is finely acted by Beck Marshall. But that which did please me beyond any thing in the whole world, was the wind-musique when the angel comes down; which is so sweet that it ravished me, and indeed, in a word, did wrap up my soul, so that it made me really sick;—just as I have formerly been when in love with my wife!'

Though 'mighty merry' upon all occasions, and, like gentle dulness, ever loving a joke, we are afraid he had not much relish for wit. His perplexity at the success of *Hudibras* is exceedingly ludicrous. This is his own account of his first attempt on him—

' Hither come Mr Battersby; and we falling into discourse of a new book of drollery in use, called *Hudibras*, I would needs go find it out, and met with it at the Temple: cost me 2s. 6d. But when I came to read it, it is so silly an abuse of the Presbyter Knight going to the wars, that I am ashamed of it; and by and by meeting Mr Townsend's at dinner, I sold it to him for 18d!'

The second is not much more successful.

'To Paul's Church Yard, and there looked upon the second part of Hudibras—which I *buy not, but borrow* to read,—to see if it be as good as the first, which the world cried so mightily up; though it hath not a good liking in me, though I had tried twice or three times reading, to *bring myself to think it witty.*'

The following is a ludicrous instance of his parsimony and household meanness.

'29th. (King's birth-day.) Rose early, and put six spoons and a porringer of silver *in my pocket*, to give away to-day. Back to dinner at Sir William Batten's; and then, after a walk in the fine gardens, we went to Mrs Browne's, where Sir W. Pen and I were godfathers, and Mrs Jordan and Shipman godmothers to her boy. And there, before and after the christening, we were with the woman above in her chamber; but whether we carried ourselves well or ill, I know not; but I was directed by young Mrs Batten. One passage, of a lady *that eate wafers with her dog*, did a little displease me. I did give the midwife 10s., and the nurse 5s., and the maid of the house 2s. But, for as much as I expected to give the name to the childe, but did not, (it being called John), *I forebore then to give my plate.*'

On another occasion, when he had, according to the fashion of the time, sent a piece of plate, on a holiday, to his official superior, he records with great joy,

'After dinner Will. comes to tell me that he had presented my piece of plate to Mr Covestry, who takes it very kindly, and sends me a very kind letter, and the plate back again,—of which my heart is *very glad.*'

Throughout the whole work, indeed, he is mainly occupied with reckoning up and securing his gains—turning them into good gold—and bagging and hiding them in holes and corners. His prosperity, indeed, is marvellous; and shows us how good a thing it was to be in office, even in the year 1660. When he goes with Lord Sandwich to bring over the King, he is overjoyed with his Majesty's bounty of a month's pay to all the ships' officers—and exultingly counts up his share, and 'finding himself to be worth very *nearly 100l.*, blesses Almighty God for 'it—not having been worth 25l. clear when he left his home.' And yet, having got the office of Clerk of the Acts in the Admiralty, and a few others, he thrives with such prodigious rapidity, that before the end of 1666, this is his own account of his condition.

'To my accounts, wherein at last I find them clear and right; but to my great discontent do find that my gettings this year have been 573l. less than my last: it being this year in all but 2986l.; whereas, the last, I got 3560l. ! And then again my spendings this year have exceeded my spendings the last, by 644l.: my whole

pendings last year being but 509*l.*; whereas this year it appears I have spent 1154*l.*,—which is a sum not fit to be said that ever I should spend in one year, before I am master of a better estate than I am. Yet, blessed be God! and I pray God make me thankful for it, I do find myself worth in money, *all good*, above 6200*l.*; which is above 1800*l.* more than I was the last year.'

We have hinted, however, at a worse meanness than the care of money, and sordid household economy. When his friends and patrons seem falling into disgrace, this is the way he takes to countenance them.

'I found my Lord Sandwich there, poor man! I see with a melancholy face, and suffers his beard to grow on his upper lip more than usual. I took him a little aside to know when I should wait on him, and where: he told me, and that it would be best to meet at his lodgings, *without being seen* to walk together. Which I liked very well; and, Lord! to see in what difficulty I stand, that *I dare not* walk with Sir W. Coventry, for fear my Lord or Sir G. Carteret should see me; nor with either of them, for fear Sir W. Coventry should! &c.

'To Sir W. Coventry's—after much discourse with him, I walked out with him into James's Park; where, *being afraid to be seen with him* (he having not yet leave to kiss the King's hand, but notice taken, as I hear, of all that go to him), I did take the pretence of my attending the Tangier Committee to take my leave of him.'

It is but a small matter, after this, to find, that when the office is besieged by poor sailors' wives, clamouring for their arrears of pay, he and Mrs Pepys are dreadfully 'afraid to send a venison pasty, that we are to have for supper to-night, to the cook to be baked—for fear of their offering violence to it.'

Notwithstanding his great admiration of his wife and her beauty, and his unremitting attention to business and money, he has a great deal of innocent dalliance with various pretty actresses at the playhouses, and passes a large part of his time in very profligate society. Here is a touch of his ordinary life, which meets us by accident as we turn over the leaves.

"To the King's house; and there going in met with Knipp, and she took us up into the tireing-rooms; and to the women's shift,—where Nell (that is, Nell Gwyn)—was dressing herself, and was all unready, and is very pretty, prettier than I thought. And into the scene-room, and there sat down, and she gave us fruit: and here I read the questions to Knipp, while she answered me, through all her part of "Flora's Figary's," which was acted to-day. But, Lord! to see how they were both painted, would make a man mad, and did make me loath them! and what base company of men comes among them, and how lewdly they talk! And how poor the men are in clothes, and yet what a shew they make on the stage by candle-light is very observable. But to see how Nell cursed,—for having so few people in the pit, was strange."

Now, whether it was *strange* or not, it was certainly very wrong in Nell to curse so unmercifully, even at a thin house. But we must say, that it was neither so wrong nor so strange, as for this grave man of office, to curse deliberately to himself in this his private Diary. And yet but a few pages after, we find this emphatic entry,—‘in fear of nothing but this *darned business* of the prizes. I fear my Lord will receive a *cursed* deal of trouble by it.’

The following affords a still stronger picture of the profligacy of the times.

“To Fox Hall, and there fell into the company of Harry Killigrew, a rogue newly come back out of France, but still in disgrace at our Court, and young Newport and others, as very rogues as any in the town, who were ready to take hold of every woman that come by them. And so to supper in an arbour: but, Lord! their mad talk did make my heart ache. And here I first understood by their talk the meaning of the company that lately were called Ballers; Harris telling how it was by a meeting of some young blades, where he was among them, and my Lady Bennet and her ladies; and there *dancing naked*, and all the roguish things in the world. But, Lord! what loose company was this that I was in to-night! though full of wit; and worth a man's being in for once,—to know the nature of it, and their manner of talk and lives.”

These however, we have no doubt, were all very blameless and accidental associations on his part. But there is one little *liaison* of which we discover some indications in the journal, as to which we do not feel so well assured, unreserved as his confessions undoubtedly are, that he has intrusted the whole truth even to his short-hand cipher. We allude to a certain Mrs Mercer, his wife's maid and occasional companion, of whom he makes frequent and very particular mention. The following entry, it will be allowed, is a little suspicious, as well as exceedingly characteristic.

‘Thence home—and to sing with my wife and Mercer in the garden; and coming in, I find my wife plainly dissatisfied with me, that I can spend so much time with Mercer, teaching her to sing, and could never take the pains with *her*. Which I acknowledge; But it is because the girl do take music mighty readily, and *she* do not,—and music is the thing of the world that I love most, and *all the pleasure almost that I can now take*. So to bed, in some little discontent,—but no words from me!’

We trace the effect of this jealousy very curiously, in a little incident chronicled with great simplicity a few days after, where he mentions that being out at supper, the party returned ‘in *two* coaches,—Mr Batelier and his sister Mary, and my wife and I, in one,—and Mercer alone in the other.’

We are sorry to observe, however, that he seems very soon to have tired of this caution and forbearance; as the following, rather outrageous merry-making, which takes place on the fourth day after, may testify.

"After dinner with my wife and Mercer to the Beare-garden; where I have not been, I think, of many years, and saw some good sport of the bull's tossing of the dogs: one into the very boxes. But it is a very rude and nasty pleasure. We had a great many hectors in the same box with us, (and one, very fine, went into the pit, and played his dog for a wager, which was a strange sport for a gentleman), where they drank wine, and drank Mercer's health first; which I pledged with my hat off! We supped at home, and very merry. And then about nine o'clock to Mrs Mercer's gate, where the fine and boys expected us, and her son had provided abundance of serpents and rockets: and there mighty merry, (my Lady Pen and Pegg going thither with us, and Nan Wright), till about twelve at night, flinging our fireworks, and burning one another and the people over the way. And at last our businesses being most spent, we in to Mrs Mercer's, and there mighty merry, smutting one another with candle-grease and soot, till most of us were like devils! And that being done, then we broke up, and to my house; and there I made them drink, and up stairs we went, and then fell into dancing, (W. Bate-lier dancing well), and dressing him and I and one Mr Bannister (who with my wife come over also with us) like women; and Mercer put on a suit of Tom's, like a boy, and mighty mirth we had—and Mercer danced a jig! and Nan Wright, and my wife, and Pegg Pen put on perriwigs. Thus, we spent till three or four in the morning—mighty merry!" Vol. I. p. 438-9.

After all this, we confess, we are not very much surprised, though no doubt a little shocked, to find the matter come to the following natural and domestic, though not very dignified catastrophe.

"This day, Mercer being not at home, but, against her mistress's order, gone to her mother's, and my wife, going thither to speak with W. Hewer, beat her there!!—and was angry; and her mother saying that she was not a prentice girl, to ask leave every time she goes abroad, my wife with good reason was angry, and when she come home bid her be gone again. And so she went away! which troubled me,—But yet less than it would, because of the condition we are in, in fear of coming in a little time to being less able to keep one in her quality."

Matters, however, we are happy to say, seem to have been wonderfully soon made up again—for we find her attending Mrs P., as usual, in about six weeks after; and there are various subsequent, though very brief and discreet notices of her, to the end of the Diary.

It is scarcely fair, we confess, thus to drag to light the frailties of this worthy defunct secretary; but we really cannot well

help it—he has laid the temptation so directly in our way. If a man will leave these things on record, people will read and laugh at them, although he should long before be laid out in his grave. After what we have just extracted, the reader will not be surprised at the following ingenuous confession.

“The truth is, I do indulge myself a little the more in pleasure, knowing that this is the proper age of my life to do it; and out of my observation, that most men that do thrive in the world do *forget to take pleasure during the time* that they are getting their estate, but reserve that till they have got one, and then it is too late for them to enjoy it.”

One of the most characteristic, and at the same time most creditable pieces of *naiveté* that we meet with in the book, is in the account he gives of the infinite success of a speech which he delivered at the bar of the House of Commons, in 1667, in explanation and defence of certain alleged mismanagements in the Navy, then under discussion in that assembly. The honourable House probably knew but little about the business; and nobody, we can well believe, knew so much about it as our author,—and this, we have no doubt, was the great merit of his discourse, and the secret of his success:—For though we are disposed to give him every credit for industry, clearness, and practical judgment, we think it is no less plain from his manner of writing, than from the fact of his subsequent obscurity in Parliament, that he could never have had any pretensions to the character of an orator. Be that as it may, however, this speech seems to have made a great impression at the time; and certainly gave singular satisfaction to its worthy maker. It would be unjust to withhold from our readers his own account of this bright passage in his existence. In the morning, when he came down to Westminster, he had some natural qualms.

“And to comfort myself did go to the Dog and drink half-a pint of mulled sack,—and in the hall did drink a dram of brandy at Mrs Hewlett’s! and with the warmth of this did find myself in better order as to courage, truly.”

He spoke three hours and a half ‘as comfortably as if I had been at my own table,’ and ended soon after three in the afternoon; but it was not thought fit to put the vote that day, ‘many members having gone out to dinner, and come in again half drunk.’ Next morning his glory opens on him.

‘6th. Up betimes, and with Sir D. Gauden to Sir W. Coventry’s chamber; where the first word he said to me was, “Good-morrow, Mr Pepys, that must be Speaker of the Parliament House:” and did protest I had got honour for ever in Parliament. He said that his brother, that sat by him, admires me; and another gentleman said

that I could not get less than 1000*l.* a year, if I would put on a gown and plead at the Chancery-bar. But, what pleases me most, he tells me that the Solicitor-generall did protest that he thought *I spoke the best of any man in England*. My Lord Barkeley did cry me up for what they had heard of it; and others, Parliament-men there about the King, did say that *they never heard such a speech in their lives*, delivered in that manner. From thence I went to Westminster Hall; where I met with Mr G. Montagu, who came to me and kissed me, and told me that he had often heretofore kissed my hands, but now he would *kiss my lips*; protesting that *I was another Cicero!* and said, all the world said the same of me. Mr Godolphin; Mr Sands, who swore he would go twenty miles at any time to hear the like again, and that he never saw so many sit four hours together to hear any man in his life as there did to hear me. Mr Chichey, Sir John Duncumb, and every body do say that *the kingdom will ring of my abilities*, and that I have done myself right for my whole life; and so Captain Coke and others of my friends say that *no man* had ever such an opportunity of making his abilities known. And that I may cite all at once, Mr Lieutenant of the Tower did tell me that Mr Vaughan did protest to him, and that in his hearing said so to the Duke of Albermarle, and afterwards to Sir W. Coventry, that he had sat twenty-six years in Parliament and *never heard such a speech there before!* for which the Lord God made me thankful! and that I may make use of it, not to pride and vain-glory, but that, now I have this esteem, I may do nothing that may lessen it!"

There is a great deal more of this—but we have given rather too much space already to Mr Pepys's individual concerns: and must turn now to something of more public interest. Before taking leave of private life, however, we may notice one or two things, that we collect incidentally, as to the manners and habits of the times. The playhouses, of which there seem to have been at least three, opened apparently soon after noon—though the entertainments often lasted till late in the night—but we cannot make out whether they were ever exhibited by daylight. The pit, in some of them at least, must have been uncovered; for our author speaks repeatedly of being annoyed in that place by rain and hail. For several years after the Restoration, women's parts were done by boys,—though there seem always to have been female singers. The hour of dinner was almost always twelve; and men seem generally to have sat at table with their hats on. The wines mostly in use appear to have been the Spanish white wines—both sweet and dry—some clarets—but no port. It seems still to have been a custom to go down to drink in the cellar. The Houses of Parliament met, like the courts of law, at nine, and generally adjourned at noon. The style of dress seems to have been

very variable, and very costly—periwigs appear not to have been introduced, even at Court, till 1668—and the still greater abomination of hair powder not to have been yet dreamed of. Much of the outskirts of the town, and the greater part of Westminster, were not paved—and the police seems to have been very deficient, as the author frequently speaks of the *danger* of returning from Whitehall and that neighbourhood to the city early in the evening—no lamps in the streets. Some curious notices of prices might be collected out of these volumes—but we have noted but a few. Coaches seem to have been common, and very cheap—our author gets a very handsome one for 32*l*. On the other hand, he pays 4*l*. 10*s*. for a beaver, and as much for a wig. Pictures too seem to have brought large prices, considering the value of money and the small proportion of the people who could then have any knowledge of the art. He pays 25*l*. for a portrait of his wife, and 30*l*. for a miniature, besides eight guineas for the setting—and mentions a flower-piece for which the painter refused 70*l*. We may take leave of him and his housekeeping, by inserting his account of two grand dinners he seems to have given—both which he appears to have regarded as matters of very weighty concernment. As to the first he says—

‘ My head being full of to-morrow’s dinner, went to my Lord Crewe’s, there to invite Sir Thomas, &c. Thence home; and there find one laying of my napkins against to-morrow in figures of all sorts; which is mighty pretty; and it seems it is his trade, and he gets much money by it. 14th. Up very betimes, and with Jane to Levett’s, there to conclude upon our dinner; and thence to the pewterer’s to buy a pewter sesterne, which I have ever hitherto been without. Anon comes my company, viz. my Lord Hinchingbroke and his lady, Sir Philip Cateret and his lady, Godolphin and my cosen Roger, and Creed: and mighty merry; and by and by to dinner, which was very good and plentiful: (and I should have said, and Mr George Montagu, who came at a very little warning, which was exceeding kind of him.) And there, among other things, my Lord had Sir Samuel Morland’s late invention for casting up of sums of L. s. d.; which is very pretty, but not very useful. Most of our discourse was of my Lord Sandwich and his family, as being all of us of the family. And with extraordinary pleasure all the afternoon, thus together, eating and looking over my closet.’

The next seems to have been still more solemn and successful.

“ 23d. To the office till noon, when word brought me that my Lord Sandwich was come; so I presently rose, and there I found my Lords Sandwich, Peterborough, and Sir Charles Harbord; and presently after them comes my Lord Hinchingbroke, Mr Sidney, and

Sir William Godolphin. And after greeting them and some time spent in talk, dinner was brought up, one dish after another, but a dish at a time; but all so good: but, above all things, the variety of wines and excellent of their kind I had for them, and all in so good order, that they were mightily pleased, and myself full of content at it; and indeed it was, of a dinner of about six or eight dishes, as noble as any man need to have, I think; at least, all was done in the noblest manner that ever I had any, and I have rarely seen in my life better any where else, even at the Court. After dinner my Lords to cards, and the rest of us sitting about them and talking, and looking on my books and pictures, and my wife's drawings, which they commended mightily: and mighty merry all day long, with exceeding great content, and so till seven at night; and so took their leaves, it being dark and foul weather. Thus was this entertainment over—the best of its kind and the fullest of honour and content to me that ever I had in my life; and I shall not easily have so good again.”

On turning to the political or historical parts of this record, we are rather disappointed in finding so little that is curious or interesting in that earliest portion of it which carries us through the whole work of the Restoration. Though there are almost daily entries from the 1st of January 1659, and though the author was constantly in communication with persons in public situations—was personally introduced to the King at the Hague, and came home in the same ship with him, it is wonderful how few particulars of any moment he has been enabled to put down; and how little the tone of his journal exhibits of that interest and anxiety which we are apt to imagine must have been universal during the dependence of so momentous a revolution. Even this barrenness, however, is not without instruction—and illustrates by a new example, how insensible the contemporaries of great transactions very often are of their importance, and how much more posterity sees of their character than those who were parties to them. We have already observed that the author's own political predilections are scarcely distinguishable till he is embarked in the fleet to bring home the King—and the greater part of those with which he converses seem to have been nearly as undecided. Monck is spoken of throughout with considerable contempt and aversion; and among many instances of his duplicity, it is recorded that upon the 21st day of February 1660, he came to Whitehall ‘and there made a speech to them, recommending to them a *Commonwealth*, and against Charles Stuart.’ The feeling of the city is represented, no doubt, as extremely hostile to the Parliament, (here uniformly called the Rump); but their aspirations are not said to be directed to royalty, but merely to a free Parliament

and the dissolution of the existing junta. So late as the month of March our author observes, 'great is the talk of a single person. Charles, George, or Richard again. For the last of which my Lord St John is said to speak very high. Great also is the dispute in the House, in whose name the courts shall sue for the new Parliament.' It is a comfort however to find, in a season of such universal dereliction of principle, that signal perfidy, even to the cause of the republic, is visited with general scorn. A person of the name of Morland, who had been employed under the Protector in the Secretary of State's office, had been in the habit of betraying his trust, and communicating privately with the exiled monarch—and, upon now resorting to him, had been graced with the honour of knighthood. Even our cool headed chronicler speaks thus of this deserter.

'Mr Morland, now Sir Samuel, was here on board, but I do not find that my Lord or any body did give him any respect—he being looked upon by him and all men as a knave. Among others he betrayed Sir Rich. Willis that married Dr F. Jones's daughter, who had paid him 1000*l.* at one time by the Protector's and Secretary Thurloe's order, for intelligence that he sent concerning the King.'

And there is afterwards a similar expression of honest indignation against 'that perfidious rogue Sir G. Downing,' who, though he had served in the Parliamentary army under Okey, yet now volunteered to go after him and Corbet, with the King's warrant, to Holland, and succeeded in bringing them back as prisoners, to their death—and had the impudence, when there, to make a speech to 'the Lords States of Holland, telling them to their faces that he observed that he 'was not received with the respect and observance now, that he was when he came from *the traitor and rebell Cromwell!* 'by whom, I am sure, he hath got all he hath in the world,—and they know it too.'

When our author is presented to the King, he very simply puts down, that 'he seems to be a very sober man!' This, however, may refer only to his dress and equipment, which, from the following extract, seems to have been homely enough, even for a republic.

'This afternoon Mr Edw. Pickering told me in what a sad, poor condition for clothes and money the King was, and all his attendants, when he came to him first from my Lord, their clothes *not being worth forty shillings*—the best of them. And how overjoyed the King was when Sir J. Greenville brought him some money; so joyful, that he called the Princess Royal and Duke of York to look upon it, as it lay in the portmanteau before it was taken out.'

On the voyage home the names of the ships are changed—and to be sure the *Richard*, the *Naseby*, and the *Drubar*, were

not very fit to bear the royal flag—nor even the *Speaker* or the *Lambert*. There is a long account of the landing, and a still longer, of Lord Sandwich's investment with the Order of the Garter—but we do not find any thing of moment recorded, till we come to the condemnation and execution of the regicides—a pitiful and disgusting departure from the broad principle of amnesty, upon the basis of which alone any peaceful restoration could be contemplated, after so long and so unequivocally national a suspension of royalty. It is disgusting to find, that Monk sate on the Bench, while his companions in arms, Harrison, Hacker, and Axtell, were arraigned for the treasons in which they had been associated. Our author records the whole transactions with the most perfect indifference, and with scarcely a remark—for example,

' 13th. I went out to Charing Cross, to see Major-general Harrison hanged, drawn, and quartered; which was done there, he looking as *cheerful*! as any man could do in that condition. 18th. This morning, it being expected that Colonel Hacker and Axtell should die, I went to Newgate, but found they were reprieved till to-morrow. 19th. This morning my dining-room was finished with green serge hanging and gilt leather, which is very handsome. This morning Hacker and Axtell were hanged and quartered, as the rest are.'

He is, to be sure, a little *troubled*, as he expresses it, at the disinterring and gibbetting of Cromwell's dead and festering body—thinking it unfit that 'a man of so great courage as he' 'was, should have that dishonour—though otherwise he might 'deserve it—enough!' He does not fail, however, to attend the rest of the executions, and to describe them as spectacles of ordinary occurrence—thus,

' 19th. This morning, before we sat, I went to Aldgate; and at the corner shop, a draper's, I stood, and did see Barkestead, Okey, and Corbet, drawne towards the gallows at Tyburne; and there they were hanged and quartered. *They all looked very cheerful*; but I hear they all die defending what they did to the King to be just; which is very strange!'

' 14th. About 11 o'clock, having a room got ready for us, we all went out to the Tower-hill; and there, over against the scaffold, made on purpose this day, saw Sir Henry Vane, brought. A very great press of people. He made a long speech, many times interrupted by the Sheriffe and others there; and they would have taken his paper out of his hand, but he would not let it go. But they caused all the books of those that writ after him to be given the Sheriffe; and the trumpets were brought under the scaffold that he might not be heard. Then he prayed, and so fitted himself, and received the blow; but the scaffold was so crowded that we could not see it done. He had a blister, or issue, upon his neck, which *he desired them not to hurt*! He changed not his colour or speech to

the last, but died justifying himself and the cause he had stood for; and spoke very confidently of his being presently at the right hand of Christ; and in all things appeared the most resolved man that ever died in that manner.

In spite of these rigorous measures, the author very soon gets disgusted with 'the lewdness, beggary, and wastefulness,' of the new government—and after sagaciously remarking, that 'I doubt our new Lords of the Council do not mind things as the *late powers* did—but their pleasure or profit more,' he proceeds to make the following striking remarks on the ruinous policy, adopted on this, and many other restorations, of excluding the only men really acquainted with business, on the score of their former opposition to the party in power.

'From that we discoursed of the evil of putting out men of experience in business, and of the condition of the King's party at present, who, as the Papists, though otherwise fine persons, yet being by law kept for these fourscore years out of employment, they are now *wholly incapable* of business; and so the Cavaliers, for twenty years, who for the most part have either given themselves over to look after country and family business, and those the best of them, and the rest to debauchery, &c.; and that was it that hath made him high against the late Bill brought into the House for the making all men incapable of employment that *had served against the King*. People, says he, in the sea-service, it is impossible to do any thing without them, there being not more than three men of the whole King's side that are fit to command, almost; and these were Captn. Allen, Smith, and Beech; and it may be Holmes, and Uther, and Batts might do something.'

In his account of another conversation, he gives the following striking picture of the different temper and moral character of the old Republican soldiers, as contrasted with those of the Royalist—of the former he reports—

'Let the King think what he will, it is *them* that must help him in the day of warr. For generally they are the most substantiall sort of people, and the soberest; and did desire me to observe it to my Lord Sandwich, among other things, that *of all the old army* now you cannot see a man *begging* about the streets; but what? You shall have this captain turned a shoemaker; this lieutenant, a baker; this a brewer; that a haberdasher; this common soldier, a porter; and every man in his apron and frock, &c. as if they never had done anything else: whereas the other go with their belts and swords, *swearing and cursing, and stealing*; running into people's houses, by force oftentimes, to carry away something; and this is the difference between the temper of one and the other; and concludes (and I think with some reason), that the spirits of the old parliament soldiers are so quiet and contented with God's providences, that the King is safer from any evil meant him by them one thousand times more than from his

own discontented Cavaliers. And then to the publick management of business; it is done, as he observes, so loosely and so carelessly, that the kingdom can never be happy with it, every man looking after himself, and his own lust and luxury.

The following is also very remarkable.

‘It is strange how every body now-a-days do reflect upon Oliver, and commend him, what brave things he did, and made all the neighbour princes fear him; while here a prince, come in with all the love and prayers and good liking of his people, who have given greater signs of loyalty and willingness to serve him with their estates than ever was done by any people, hath lost all so soon, that it is a miracle what a man could devise to lose so much in so little time.

The following particulars of the condition of the Protector's family are curious, and probably authentic. The conversation is in the end of 1664.

‘In my way to Brampton in this day's journey I met with Mr White, Cromwell's chaplain that was, and had a great deal of discourse with him. Among others, he tells me that Richard is, and hath long been, in France, and is now going into Italy. He owns publicly that he do correspond, and return him all his money. That Richard hath been in some straits in the beginning; but relieved by his friends. That he goes by another name, but do not disguise himself, nor deny himself to any man that challenges him. He tells me, for certain, that offers had been made to the old man, of marriage between the King and his daughter, to have obliged him,—but he would not. He thinks (with me) that it never was in his power to bring in the King with the consent of any of his officers about him; and that he scorned to bring him in, as Monk did, to secure himself and deliver every body else. When I told him of what I found writ in a French book of one Monsieur Sorbiciere, that gives an account of his observations here in England; among other things he says, that it is reported that Cromwell did, in his life-time, transpose many of the bodies of the Kings of England from one grave to another; and that by that means it is not known certainly whether the head that is now set upon a post be that of Cromwell, or of one of the Kings; Mr White tells me that he believes he never had so poor a low thought in him, to trouble himself about it. He says the hand of God is much to be seen; that all his children are in good condition enough as to estate, and that their relations that betrayed their family are all now either hanged or very miserable.’

The most frequent and prolific topic in the whole book, next perhaps to that of dress, is the profligacy of the court—or what may fairly be denominated court scandal. It would be endless, and not very edifying, to attempt any thing like an abstract of the shameful immoralities which this loyal author has recorded of the two royal brothers, and the greater part of their favourites—at the same time, that they occupy so great a part of the

work, that we cannot well give an account of it without some notice of them. The reader will probably be satisfied with the following specimens, taken almost at random.

' In the Privy-garden saw the finest smocks and lisen petticoats of my Lady Castlemaine's, laced with rich lace at the bottom; that ever I saw; *and did me good to look at them.* Sarah told me how the King dined at my Lady Castlemaine's, and supped, every day and night the last week; and that the night that the bonfires were made for joy of the *Queene's arrivall*, the King was there; But there was no fire at her door, though at all the rest of the doors almost in the street; which was much observed: and that the King and she did send for a pair of scales and weighed one another; and she, being with child, was said to be heaviest.'

' Mr Pickering tells me the story is very true of a child being dropped at the ball at Court; and that the King had it in his closet a week after, and *did dissect* it; and making great sport of it, said that in his opinion it must have been a month and three houres old; and that, whatever others think, he hath the greatest loss, (it being a boy, as he says,) that hath lost a subject by the business.'—' He told me also how loose the Court is, nobody looking after business, but every man his lust and gain; and how the King is now become besotted upon Mrs Stewart, that he gets into corners, and will be with her half an hour together kissing her to the observation of all the world; and she now stays by herself and expects it, as my Lady Castlemaine did use to do; to whom the King, he says, is still kind,' &c.

' Coming to St James's, I hear that the Queene did sleep five hours pretty well to-night. The King they all say is most fondly disconsolate for her, and weeps by her, which makes her weep; which one this day told me he reckons a good sign, for that it carries away some rheum from the head! She tells us that the Queene's sickness is the spotted fever; that she was as full of the spots as a leopard: which is very strange that it should be no more known; but perhaps it is not so. And that the King do seem to take it much to heart, for that he hath wept before her; but, *for all that, that he hath not missed one night* since she was sick, of supping with my Lady Castlemaine; which I believe is true, for she says that her husband hath dressed the suppers every night; and I confess I saw him myself coming through the street dressing up a great supper to-night, which Sarah says is also for the King and her; which is a very strange thing.'

' Pierce do tell me, among other news, the late frolick and debauchery of Sir Charles Sedley and Buckhurst running up and down all the night, almost naked, through the streets; and at last fighting, and being beat by the watch and clapped up all night; and how the King takes their parts; and my Lord Chief Justice Keeling hath laid the constable by the heels to answer it next Sessions; which is a horrid shame. Also how the King and these gentlemen did make the fiddlers of Thetford, this last progress, to sing them all the obscene songs they could think of. That the King was drunk at Saxam with Sedley, Buckhurst, &c.

the night that my Lord Arlington came thither, and would not give him audience, or *could not*: which is true, for it was the night that I was there and saw the King go up to his chamber, and was told that the King had been drinking. — He tells me that the King and my Lady Castlemaine are quite broke off, and she is gone away, and is with child, and swears the King shall own it; and she will have it christened in the Chapel at White Hall so, and owned for the King's, as other kings have done; or she will bring it into White Hall gallery, and dash the brains of it out before the King's face! He tells me that the King and Court were never in the world so bad as they are now, for gaming, swearing, women, and drinking, and the most abominable vices that ever were in the world; so that all must come to nought.'

'They came to Sir G. Carteret's house at Cranbourne, and there were entertained, and *all made drunk*; and, being all drunk, Armerer did come to the King, and swore to him by God, "Sir," says he, "you are not so kind to the Duke of York of late as you used to be."—"Not I?" says the King. "Why so?"—"Why," says he, "if you are, let us drink his health."—"Why let us," says the King. Then he fell on his knees and drank it; and having done, the King began to drink it. "Nay, Sir," says Armerer, "by God you must do it on your knees!" So he did, and then all the company: and having done it, all fell a crying for joy, *being all maudlin and kissing one another!* the King the Duke of York, and the Duke of York the King! and in such a maudlin pickle as never people were: and so passed the day!'

It affords us no pleasure, however, to expose these degrading traits—even in departed royalty; but it is of more consequence to mark the political vices to which they so naturally led. The following entry, on the King's adjourning the Parliament in 1667, gives such a picture of the Court policy, as makes one wonder how the Revolution could have been so long deferred.

'Thus they are dismissed again, to their general great distaste, I believe the greatest that ever Parliament was, to see themselves so fooled, and the nation in certain condition of ruin, while the King, they see, is only governed by his lust, and women, and rogues about him. They do all give up the kingdom for lost, that I speak to; and do hear *what the king says*, how he and the Duke of York do do what THEY CAN TO GET UP AN ARMY, THAT THEY MAY NEED NO MORE PARLIAMENTS: and how my Lady Castlemaine hath, before the late breach between her and the King, said to the King, *that he must rule by an Army, or all would be lost.* I am told that many petitions were provided for the Parliament, complaining of the wrongs they have received from the Court and courtiers, in city and country, if the Parliament had but sat; and I do perceive that all do resolve to have a good account of the money spent before ever they give a farthing more; and the whole kingdom is every where sensible of their being abused, &c.'

The following confirmation of these speculations is still more characteristic, both of the parties, and their chronicler.

‘ And so she (Lady Castlemaine) is come to day, when one would think his mind should be full of some other cares, having but this morning broken up such a Parliament with so much discontent and so many wants upon him, and but yesterday heard *such a sermon against adultery* ! But it seems she hath told the King, that whoever did get it, he should own it. And the bottom of the quarrel is this :—She is fallen in love with young Jermin, who hath of late been with her oftener than the King, and is now going to marry my Lady Falmouth ; the King is mad at her entertaining Jermin, and she is mad at Jermin’s going to marry from her : so they are all mad !—and thus the kingdom is governed ! But he tells me for certain that nothing is more sure than that the King, and Duke of York, and the Chancellor, are desirous and labouring all they can *to get an Army*, whatever the King says to the Parliament ; and he believes that they are at last resolved to stand and fall all three together.’

A little alier we find traces of another project of the same truly legitimate school.

‘ The great discourse now is, that the Parliament shall be dissolved and another called, which *shall give the King the Dean and Chapters lands* ; and that will put him out of debt. And it is said that Buckingham do knowingly meet daily with Wildman and other Commonwealth-men ; and that when he is with *them* he makes the King believe that he is with his wenches.’

The next notice of this is in the form of a confidential conversation with a person of great intelligence.

‘ And he told me, upon my several inquiries to that purpose, that he did believe it was not yet resolved *whether the Parliament should ever meet more or no*, the three great rulers of things now standing thus :—The Duke of Buckingham is *absolutely against their meeting*, as moved thereto by his people that he advises with, the *people of the late times*, who do never expect to have any thing done by this Parliament for their religion, and who do propose that, by the sale of the Church-lands, they shall be able to put the King out of debt, &c. He tells me that he is really persuaded that the design of the Duke of Buckingham is, to bring the State into such a condition as, if the King do die without issue, it shall, upon his death, *break into pieces again* ; and so put by the Duke of York,—whom they have disoblighd, they know, to that degree as to despair of his pardon. He tells me that there is no way to rule the king but by *brisknesse*,—which the Duke of Buckingham hath above all men ; and that the Duke of York having it not, *his best way* is what he practices,—that is to say, a good temper, which will support him till the Duke of Buckingham and Lord Arlington fall out, which cannot be long first, the former knowing that the latter did, in the time of the Chancellor, endeavour with the Chancellor to *hang him* at that time, when he was proclaimed against.’

And again—

‘The talk which these people about our King have, is to tell him how neither privilege of Parliament nor City is any thing; *but that his will is all, and ought to be so*: and their discourse, it seems, when they are alone, is so base and sordid, that it makes the eares of the very gentlemen of the back-stairs (I think he called them) to tingle to hear it spoke in the King’s hearing; *and that must be very bad indeed.*’

The following is not so material as to doctrine—though we think it very curious.

‘After the bills passed, the King, sitting on his throne, with his speech writ in a paper which he held in his lap, and scarce looked off of it all the time he made his speech to them, giving them thanks for their subsidys, of which, *had he not need, he would not have asked or received them*; and that need, *not from any extravagancys of his*, he was sure, in any thing!—but the disorders of the times. His speech was very plain; nothing at all of spirit in it, nor spoke with any; but rather on the contrary imperfectly, repeating many time his words though he read all: which I am sorry to see, it having not been hard for him to have got all the speech without booke.’—And upon another occasion, ‘I crowded in and heard the King’s speech to them; but *he speaks the worst that ever I heard man in my life*: worse than if he read it all, and he had it in writing in his hand.’

It is observed soon after—viz. in 1664—as a singular thing that there should be but two scamen in Parliament—and not above twenty or thirty merchants: And yet from various intimations we gather that the deportment of this aristocratical assembly was by no means very decorous. We have already had the incidental notice of many members coming in from dinner half drunk, on the day of the author’s great oration—and some of them appear now and then to have gone a little farther,—early as the hours of business then were.

‘He did tell me, and so did Sir W. Batten, how Sir Allen Brodericke and Sir Allen Apsly did come *drunk* the other day into the House; and did both speak for half an hour, together, and could not be either laughed, or pulled, or bid to sit down and hold their peace,—to the great contempt of King’s servants and cause; which I am grieved at with all my heart.’

The mingled extravagance and penury of this disorderly Court is strikingly illustrated by two entries, not far from each other, in the year 1667—in one of which is recorded the royal war-drobbeman’s pathetic lamentation over the King’s necessities—representing that his Majesty has ‘actually no handkerchiefs, and but three bands to his neck’—and that he does not know where to take up a yard of linen for his service!—and the other setting forth, that his said Majesty had lost 25,000*l.* in one

night at play with Lady Castlemaine—and staked 1000*l.* and 500*l.* on a cast. It is a far worse trait, however, in his character, that he was by no means scrupulous as to the pretexts upon which he obtained money from his people—these memoirs containing repeated notices of accounts deliberately falsified for this purpose—and not a few in particular, in which the expenses of the Navy are exaggerated—we are afraid, not without the author's cooperation—to cover the misapplication of the money voted for that most popular branch of the service, to very different purposes. In another Royal Imposture, our author now appears to have been also implicated—though in a manner far less derogatory to his personal honour, we mean in procuring for the Duke of York, the credit which he has obtained with almost all our historians, for his great skill in maritime affairs; and the extraordinary labour which he bestowed in improving the condition of the Navy. On this subject we need do little more than transcribe the decisive statement of the noble Editor, to whose care we are indebted for the publication before us; and who, in the summary of Mr Pepys's life which he has prefixed to it, observes—

‘Mr Stanier Clarke, in particular, actually dwells upon the essential and lasting benefit which that Monarch conferred on his country, by *building up and regenerating the Naval Power*; and asserts as *a proof of the King's great ability*, that *the regulations still enforced under the orders of the Admiralty, are nearly the same as those originally drawn up by him*. It becomes due therefore to Mr Pepys, to explain, that for these improvements, the value of which no person can doubt, we are indebted to *him*, and *not* to his Royal Master. To establish this fact, it is only necessary to refer to the MSS. connected with the subject in the Bodleian and Pepysian Libraries, by which the extent of Mr Pepys's official labours can alone be appreciated; and we even find in the Diary, as early as 1668, that a long letter of regulation, produced before the Commissioners of the Navy by the Duke of York, *as his own composition*, was entirely written by our Clerk of the Acts.’ (I. xxx.)

We do not know whether the citations we have now made from these curious and most miscellaneous volumes, will enable our readers to form a just estimate of their value. But we fear that, at all events, we cannot now indulge them with any considerable addition to their number. There is a long account of the great Fire and the great Sickness in 1666, and a still longer one of the insulting advance of the Dutch fleet to Chatham in 1667, as well as of the settlement at Tangiers, and of various naval actions during the period to which the Diary extends. But, though they all contain much curious matter, we are not

tempted to make any extracts; both because the accounts, being given in the broken and minute way which belongs to the form of a Diary, do not afford many striking or summary passages, and because what is new in them, is not for the most part of any great importance. The public besides has been lately pretty much satiated with details on most of those subjects in the contemporary work of Evelyn,—of which we shall only say, that though its author was indisputably more of a gentleman, a scholar, and a man of taste than our actuary, it is far inferior both in interest, curiosity, and substantial instruction, to that which we are now considering. The two authors, however, we are happy to find, were great friends: and no name is mentioned in the latter part of the Diary, with more uniform respect and affection than that of Mr Evelyn—though it is very edifying to see how the shrewd, practical sagacity of the man of business, revenges itself on the assumed superiority of the philosopher and man of letters. In this respect we think there is a fine keeping of character in the sincerity of the following passage—

‘ By water to Deptford, and there made a visit to Mr Evelyn, who, among other things, shewed me most excellent painting in little; in distemper, Indian inke, water colours: graveing; and above all, the whole mezzo-tinto, and the manner of it, which is very pretty, and good things done with it. He read to me very much also of his discourse, he hath been many years and now is about, about Gardenage; which is a most noble and pleasant piece. He read me part of a play or two of his own making,—*very good, but not as he conceits them*, I think, to be. He shewed me his Hortus Hyemalis; leaves laid up in a book of several plants kept dry, which preserve colour, however, and look very finely, better than an herball. In fine a most excellent person he is,—*and must be allowed a little for a little conceitedness*; but he may well be so, being a man so much above others. He read me, *though with too much gusto*, some little poems of his own *that were not transcendent*; yet one or two very pretty epigrams; among others, of a lady looking in at a grate, and being pecked at by an eagle that was there.’

And a little after he chuckles not a little over his learned friend's failure, in a speculation about making bricks—concluding very sagely, ‘ so that I see the most ingenious men may sometimes be mistaken.’

We meet with the *names* of many distinguished men in these pages, and some characteristic anecdotes,—but few bold characters. He has a remarkable interview with Clarendon—in which the cautious and artful demeanour of that veteran politician is finely displayed, though on a very trivial occasion. The Navy Board had marked some trees for cutting in Clarendon park without his leave—at which he had expressed great indignation; and our author went, in a prodigious fright, to pacify him. He

found him busy hearing causes in his chambers, and was obliged to wait.

'After all done, he himself called, "Come Mr Pepys, you and I will take a turn in the garden." So he was led down stairs, having the gout, and there walked with me, I think above an hour, talking *most friendly, yet cunningly*.—He told me he would not direct me in any thing, that it might not be said that the Lord Chancellor did labour to abuse the King; or (as I offered) direct the suspending the Report of the Purveyors: *but I see what he means*, and will make it my work to do him service in it. But Lord! to see how we poor wretches dare not do the King good service, for fear of the greatness of these men!'

There is no *literary* intelligence of any value to be gained from this work. Play collectors will probably find the names of many lost pieces—but of our classical authors there are no notices worth naming—a bare intimation of the deaths of Waller, Cowley, and Davenant, and a few words of Dryden—Milton, we think, not once mentioned. There is more of the natural philosophers of Gresham College, but not much that is valuable—some curious calculations and speculations about money and coinages—and this odd but authentic notice of Sir W. Petty's intended will.

'Sir William Petty did tell me that in good earnest he hath in his will left some parts of his estate to him that could invent such and such things. As among others, that could discover truly the way of milk coming into the breasts of a woman! and he that could invent proper characters to express to another the mixture of relishes and tastes. And says, that to him that invents Gold, he gives nothing for the philosopher's stone; for (says he) they that find out that, will be able to pay themselves. But, says he, by this means it is better than to go to a lecture; for here my executors, that must part with this, will be sure to be well convinced of the invention before they do part with their money.'

The Appendix, which seems very judiciously selected, contains some valuable fragments of historical information: But we have not now left ourselves any room for an account of them; and are tempted to give all we can yet spare to a few extracts from a very curious correspondence between Mr Pepys and Lord Reay and Lord Tarbut in 1699, on the subject of the Second Sight among our Highlanders. Lord Reay seems to have been a firm believer in this gift or faculty—but Lord Tarbut had been a decided sceptic, and was only converted by the proofs of its reality, which occurred to himself while in the Highlands in the year 1652, and afterwards. Some of the stories he tells are not a little remarkable. For example, he says, that one night when one of his Celtic at-

tendants was entering a house where they had proposed to sleep, he suddenly started back with a scream, and fell down in an agony.

‘ I asked what the matter was, for he seemed to me to be very much frightened: he told me very seriously that I should not lodge in that house, because shortly a dead coffin would be carried out of it, for many were carrying it when he was heard cry! I neglecting his words and staying there, he said to others of the servants he was very sorry for it, and that what he saw would surely come to pass: and though no sick person was then there, yet the landlord, a healthy Highlander, *died of an apoplectic fit before I left the house.*’

Another occurred in 1653, when, in a very rugged part of the country, he fell in with a man who was staring into the air with marks of great agitation. Upon asking what it was that disturbed him, he answered,

“ ‘ I see a troop of Englishmen leading their horses down that hill—and some of them are already in the plain, eating the barley which is growing in the field near to the hill.” This was on the 4th of May (for I noted the day), and it was four or five days *before any barley was sown* in the field he spoke of. Alexander Monro asked him how he knew they were Englishmen: he answered, because they were leading horses, and had on hats and boots, which he knew no Scotchman would have on there. We took little notice of the whole story as other than a foolish vision, but wished that an English party were there, we being then at war with them, and the place almost inaccessible for horsemen. But the *beginning of August thereafter*, the Earl of Middleton, then Lieutenant for the King in the Highlands, having occasion to march a party of his towards the South Islands, sent his Foot through a place called Inverlacwell, and the forepart, which was first down the hill, did fall to eating the barley which was on the little plain under it.’

Another of his Lordship's experiences was as follows. In January 1682, he was sitting with two friends in a house in Ross-shire, when a man from the islands ‘ desired me to rise from that chair, for it was an unlucky one. I asked “ Why?” He answered, “ Because there was a dead man in the chair next to it.” —“ Well,” said I, “ if it be but in the next, I may safely sit here: but what is the likeness of the man?” He said he was a tall man with a long grey coat, booted, and one of his legs hanging over the chair, and his head hanging down to the other side, and his arm backward, as it were broken. There were then some English troops quartered near the place, and there being at that time a great frost after a thaw, the country was wholly covered over with ice. Four or five Englishmen riding by this house, not two hours after the vision, where we were sitting by the fire, we heard a great noise, which proved to be the e troopers, with the help of other servants, carrying in one of their number who had got a very mischievous fall

and had his arm broke: and falling frequently into swooning fits, they brought him to the hall, and set him *in the very chair and in the very posture* which the Seer had proposed: *but the man did not die*, though he revived with great difficulty.'

These instances are chiefly remarkable as being given upon the personal knowledge of an individual of great judgment, acuteness, and firmness of character. The following is from a still higher quarter: since the reporter was not even a Scotchman, and indeed no less a person than Lord Clarendon. In a letter to Mr Pepys in 1701, he informs him, that, in 1661, upon a Scottish gentleman being in his presence introduced to Lady Cornbury, he was observed to gaze upon her with a singular expression of melancholy: and upon one of the company asking the reason, he replied, 'I see her *in blood!*' She was at that time in perfect health, and remained so for near a month, when she fell ill of small-pox: And 'upon the ninth day after the small-pox appeared, in the morning, she *bled* at the nose, which quickly stop't; but in the afternoon the blood burst out again with great violence at her nose and mouth, and about eleven of the clock that night she dyed, *almost writhing in her blood!*'

There is a great number of similar stories, reported on the most imposing testimony—though, in some instances, the Seer, we must say, is somewhat put to it to support his credit, and make out the accomplishment of his vision. One chieftain, for instance, had long been seen by the gilded with an arrow sticking in his thigh; from which they all inferred, that he was either to die or to suffer greatly, from a wound in that place. To their surprise, however, he died of some other infliction, and the seers were getting out of reputation, when luckily a fray arose *at the funeral*, and an arrow was shot fairly through the thigh of the dead man, in the very spot where the vision had shown it! On another occasion, Lord Reay's grandfather was told that he had been seen with a dagger run into his breast—and though nothing ever happened to him, one of his servants, to whom he had given *the doublet* which he wore at the time of this intimation, was stabbed through it, in the very place where the dagger had been seen. Lord Reay adds the following additional instance, of this glancing, as it were, of the prophecy on the outer garment.

'John Macky, of Dilril, having put on a new suit of clothes, was told by a Seer that he did see the gallows upon his coat, which he never noticed; but some time after *gave his coat* to his servant, William Forbess, to whose honesty there could be nothing said at that time; but he was shortly after hanged for theft, *with the same coat about him*: my informer being an eye-witness of his execution, and one who had heard what the Seer said before.'

His Lordship also mentions, that these visions were seen by

blind people, as well as those who had sight,—and adds, that there was a blind woman in his time who had the faculty in great perfection, and foretold many things that afterwards happened, as hundreds of living witnesses could attest. We have no time now to speculate on these singular legends—but, as curious *memoros* of the lubricity of human testimony, we think it right they should be once more brought into notice.

And now we have done with Mr Pepys. There is trash enough no doubt in his journal,—trifling facts, and silly observations. But we can scarcely say that we wish it a page shorter; and are of opinion, that there is very little of it which does not help us to understand the character of his times and his contemporaries, better than we should ever have done without it; and make us feel more assured that we comprehend the great historical events of the age, and the people who bore a part in them. Independent of instruction altogether too, there is no denying, that it is very entertaining thus to be transported into the very heart of a time so long gone by; and to be admitted into the domestic intimacy, as well as the public councils of a man of great activity and circulation in the reign of Charles II. Reading this book seems to us to be quite as good as living with Mr Samuel Pepys in his proper person,—and though the court scandal may be detailed with more grace and vivacity in the *Memoires de Grammont*, we have no doubt that even this part of his multifarious subject is treated with far greater fidelity and fairness in the work before us—while it gives us more clear and undistorted glimpses into the true English life of the times—for the court was substantially foreign—than all the other memorials of them that have come down to our own.

The book is rather too dear and magnificent. But the Editor's task we think excellently performed. The ample text is not incumbered with ostentatious commentaries—but very brief and useful notices are supplied of almost all the individuals who are mentioned; and an admirable and very minute Index is subjoined, which methodises the immense miscellany—and places the vast chaos at our disposal.

ART. III. *Absenteeism*. By Lady MORGAN. Post octavo. Colburn. London, 1825.

WITH exceedingly few exceptions, most of those who have turned their attention to the state of Ireland, from Sir John Davies and Mr Laurence, down to Lady Morgan and the

Laureate, have joined, in ascribing a very large share of the poverty and turbulence of the peasantry of that country, to the *Non-residence* of the principal proprietors.* It must be admitted, too, that this opinion seems, at first sight, to be as well founded as it has been universal. The wealth that is sent abroad to support absentee landlords and capitalists, seems to be entirely lost to the country; and to occasion a proportional diminution of its means of supporting and employing the people who remain: At the same time that society seems no longer to be held together by any proper gradation of ranks, and the inferior classes to have lost the benefit of the example of the gentry, and the protection and assistance, which, it is taken for granted, they would have afforded them had they resided on their estates.

We confess, however, that after maturely weighing these statements, and giving the subject all the consideration in our power, we are by no means disposed to rate the advantages of residence so high; or to join in the clamour that has been so long and so loudly raised against absenteeism. The peculiar circumstances under which the people of Ireland have, in other respects, been unfortunately placed, are quite sufficient to account for all that is bad in their actual condition. And we think it will not be difficult to show, that the mere non-residence of the landlords is, if not entirely innocuous, of so very little importance, that it may safely be left out of view in endeavouring to form an estimate of the causes of the misery of the Irish people.

Absentee landlords are said to be injurious, *first*, because

* There are, so far as we know, only two exceptions worth mentioning; though, if this were a question to be decided by authority only, the names of Sir William Petty (*Political Anatomy of Ireland*, p. 82, Ed. 1719); and Sir Henry Parnell, (*Principles of Currency and Exchange*, 4th Ed. p. 76), are sufficient to weigh down almost all that can be placed in the opposite scale. No one was so well acquainted with the state of Ireland in the seventeenth century as Sir William Petty: and there is no one so perfectly acquainted with its present state, or who has so patiently and impartially investigated the causes of its misery and degradation, as Sir Henry Parnell. He has laboured unceasingly to promote the real interests of his unhappy country; and while all parties have confidence in the honesty and rectitude of his intentions, his thorough knowledge of the subject, and the soundness and comprehensiveness of his general views, give the greatest weight and authority to his opinions. The efficiency of the inquiries made by the late Committee of the House of Commons on the state of Ireland, is chiefly to be ascribed to Sir H.'s exertions.

they spend that wealth in another country, which, had it been spent at home, would have enriched and afforded employment to a great number of tradesmen, labourers, and industrious people: And, *second*, because the country is deprived of the moral benefits that would have resulted from their residence, and the peasantry left to be fleeced and plundered by those who have no permanent interest in their welfare, and whose only object is to enrich themselves. We shall offer a few remarks on each of these heads.

With regard to the *first*, or the disadvantage supposed to be occasioned by the landlords spending their incomes in another country, it will not, we think, be difficult to show that it is altogether imaginary. The rents of the Irish absentee landlords are said to amount to *three*, or *three and a half* millions. We suspect that this statement is very much exaggerated; but assuming it to be accurate, the primary question is,—how are these rents remitted to them? Now, as there is very little specie in Ireland, and as Irish Bank notes do not circulate in England, it is obvious that they can be remitted in one way only, and that is, by sending abroad an equivalent amount of the *raw produce*, or *manufactures* of the country. Were all the absentees to return to Ireland, there would, no doubt, be an increased demand for commodities, or labour, or both, in the home market, to the extent of three or three and a half millions. But it is undeniably certain, that *this increase* of demand in the *home* market would be balanced by a precisely equal *diminution* of demand in the *foreign* market: And unless it can be shown, that foreign merchants trade for smaller profits than the home merchants, we must be satisfied, on the first blush of the matter, that the expenditure of those landlords who reside in London or Paris, it is no matter which, has just as great an effect in vivifying and animating industry in Ireland, as if they resided in Dublin or Cork.

But then it is said, that the rents of the absentees are neither remitted in specie nor in bank-notes, nor in Irish produce, but in drafts on foreign merchants, or *bills of exchange*. But what, we should like to know, is a bill of exchange? Is it not an order addressed to some individual residing in another part of the same, or in a foreign country, directing him to pay a debt he has already contracted, or is about to contract to the drawer of the bill, to some other individual? Celebrated as the merchants of England are for their generosity, they will not, we may be assured, furnish the Irish absentees with three thousand pounds, much less with three millions without receiving an equi-

valent—that is, without receiving three millions worth of Irish commodities. This then is the manner in which absentee expenditure operates.—The agent of an absentee landlord, after receiving the rents of his tenants, say 10,000*l.*, purchases a bill of exchange for this 10,000*l.* from an Irish merchant. But the merchant, in order to supply his correspondent in London, Liverpool, or Amsterdam, on whom the bill is drawn, with funds to pay it, *must*, for it is not in any respect optional with him, go into the Irish market and buy 10,000*l.* worth of the raw products or manufactured goods of the country, and send them abroad to his correspondent. Where, then, is the difference to Ireland, in so far as the demand for commodities is concerned, whether the landlord is or is not resident? When he is resident he will receive 10,000*l.* from his tenants, and he will go to market and buy an equal amount of Irish corn, beef, hats, shoes, &c.: And, when he is not resident, a merchant gets the 10,000*l.* and lays out every sixpence of them in the purchase of Irish commodities, just as the landlord did when he was at home. Turn it and twist it as you please, you will find, on analyzing any case that can possibly be presented, that this is *the whole* difference, in so far as expenditure is concerned, between a resident and a non-resident landlord. The one exchanges his revenue for Irish commodities, which he imports into his house in Dublin, and consumes there; the other also, through the merchant who furnishes him with bills, exchanges his for Irish commodities, which, or the equivalents for which, he imports into, and consumes in his house in London or Paris; and, therefore, unless it can be proved that the mere local act of consumption is advantageous—we must acknowledge, that the consumption of that portion of the annual revenue of a nation, which is sent abroad to absentees, contributes as much to the general advantage as the consumption of any other portion of income. It is never, in short, by sending abroad *revenue*, but by sending abroad the *capital*, by whose agency revenue is produced, that nations are impoverished and ruined.

Even if the rents of the Irish absentees were remitted to them in specie, that would not in the least affect the previous reasoning. Ireland has no mines of gold or silver; and, if she sends these metals to England or France, she must previously have obtained them in exchange for an equivalent amount of Irish produce; and the gain, on selling this produce to the Brazilians or Mexicans, would be quite as great as any that could have been realized by selling it to the landlords, had they resided at home. At bottom, the notions with respect to

the injurious effects of absentee expenditure, differ but little from those so long prevalent with respect to the balance of trade. It is now about a century since Dr Swift, not in jest, but in good sober earnest, informed his believing and admiring countrymen, that they had only about 500,000*l.* of cash; and that *out of this scanty stock*, they had to remit a neat million a year to England! Those who believe in the possibility of such a condition of things, may also conscientiously think, that the poverty and misery of Ireland is owing to the circumstance of Irish beef being eaten, and Irish linen worn in London or Paris, rather than in Dublin or Cork!

We have, indeed, occasionally heard it argued, that it is a mistake to suppose that the exports of Ireland are increased by the non-residence of the landlords; that these exports really take place because many of the products of Ireland are well fitted for the markets of England and other countries; and that, therefore, when the landlords leave their own country, and go to reside abroad, the demand for Irish products in the foreign market is not really increased, while the demand for these products in the home market is very much diminished. But a little reflection will serve to show that this statement is one of those that contradict and confute themselves. Let it be supposed, which however is most certainly not the case, that the exports from Ireland are *not* augmented in consequence of remittances on account of absentees: It is on this hypothesis, clear to demonstration, that the *imports* that would otherwise take place of English and foreign produce into Ireland, must be diminished by the whole amount of the bills drawn in favour of the absentees; for, it would follow, were this not the case, that they must now be subsisting either on charity or on the air! If then the absentees were to return home, and the same amount of Irish produce to continue to be exported, all the English and foreign commodities, on which the absentees had subsisted when abroad, would henceforth be *imported* into Ireland; and there could not, under such circumstances, be any increased demand, in consequence of their return, for the smallest additional quantity of Irish produce.

It has been said, however, that statements similar to those we have now made, prove too much. That the same reasoning which shows that the remittance of the rents of absentee landlords to a foreign country, is non-injurious to Ireland, will equally show that a *tribute* may be exacted by foreigners without injuring those who pay it! But the slightest reflection will suffice to convince any one, that the cases of remittances to absentees, and of remittances on account of tribute, instead of being identical, are totally and completely dissimilar. Suppose

1,000 quarters of wheat are exported from Ireland to Liverpool on account of an absentee: If this absentee returns home, this exportation will of course cease;—but what will Ireland gain by its cessation? The rents of the absentee will then be laid out, not perhaps in the purchase of wheat, but in the purchase of an equal value of some sort of commodities; and these he will, of course, *consume in his own family*. The fact of his being in Ireland, or out of it, cannot, therefore, either add to, or lessen the means of living possessed by any other individual. So long as the individuals who consume, and the value of the products they consume continue the same, a change in the *place* of consumption can affect themselves only. But the case of a tribute is in every respect dissimilar. If the remittances to absentees from Ireland were put a stop to, those who now receive them would return to Ireland, and would consume them there. But if the same remittances were made as a tribute to a foreign country, and if this tribute were to cease, there would be no one to return to Ireland; and there would, in consequence, be so much additional wealth left in the pockets of the existing inhabitants of the country. Nothing, therefore, can be more perfectly futile than the statements so frequently put forth in the Irish newspapers and other publications, comparing the remittances to absentees to a tribute; and complaining of the injury Ireland sustains by sending abroad so large a sum, for which she gets *no return*! It is quite obvious that she gets an ample return for these remittances. They consist of the rents of the land, or the profits of the stock *belonging to absentees*; and in making them, Ireland is discharging a debt which she would equally have to discharge, were the absentees to return to their estates. Suppose the rental of Lord Hertford's Irish property to amount to 100,000*l.* a year, is it not a matter of consummate indifference to Ireland whether his Lordship consumes annually 100,000*l.* worth of Irish commodities in his seat in Ireland, or has an *equivalent amount* of them sent to a London merchant on his account? To talk of a *return* in either case is absurd, unless by return is meant the extinction of a debt justly due to his Lordship; and this, it is obvious, is just as easily and as effectually discharged in the one way as in the other.

But the opponents of absenteeism still contend, that this reasoning involves a fallacy; that the greater portion of the raw produce and manufactures that are sent to absentee landlords, would have been exchanged by them, had they remained in Ireland, for the products of the various Irish tradesmen, for which every opulent individual must always have a demand; but, that when they live in London or Paris, they

employ them in paying the wages of English or French tradesmen, who consequently gain an advantage at the expense of those of Ireland. Plausible, however, as this statement may appear, it is notwithstanding wholly fallacious. Suppose that any given number of landlords residing at present in Ireland, and laying out their incomes partly in the purchase of English manufactured goods and colonial products, and partly in the purchase of the products of Irish art and industry, emigrate to England or France; and, suppose farther, that the identical Irish commodities they are now in the habit of using in Ireland, are *sent after them* to their new residence: In *this* case it is quite obvious, and must be admitted by every one, that in the event of the absentees having taken their servants along with them, the wealth of Ireland could be in no degree affected by the change that had taken place in their place of residence. But what, in point of fact, is the difference between *this* hypothetical case and the actual case of the absentees, either from Ireland or any other country? When the Duke of Leinster leaves Carton to establish himself in Grosvenor Square, it is probable that the identical beef, bread, and cloth, may not be used by him in London that he would have used had he continued in Ireland; but if they are not, the difference is perfectly immaterial, inasmuch as it is certain he must still purchase an *equivalent amount of Irish commodities of some sort or other*. How idle then is it to accuse absenteeism of lessening the demand for labour!

It is certainly true *that* absenteeism may have the effect to occasion a *partial change in the species of labour demanded*; but that is all it can do; and for any thing that we can *a priori* know to the contrary, this change may be advantageous. Raw produce is the article in which it is at present most for the advantage of Ireland to remit the rents of absentees. And, supposing them to return to Ireland, a much less amount of their rents would be laid out in the purchase of corn, and a larger in that of the *manufactures* of the country. But this could not possibly occasion any increase of the *total* effective demand for labour; for, it is evident, that if, under such circumstances, more people were employed in one way, fewer would be employed in another. If a non-resident landlord lays out his rent in the purchase of corn which requires the labour of 500 men for its production; and if, on returning home, he lays out this rent in the purchase of manufactures also produced by 500 men, the aggregate demand for Irish labour is in nowise affected by the change.

Not only, however, would the demand for labour not be increased, but there are ten chances to one that it would be con-

considerably diminished by such a change as has now been supposed. A greater number of labourers will almost uniformly be employed in the production of 500*l.* worth of corn, than in the production of 500*l.* worth of manufactured goods. Our readers are well aware, that Dr Smith has founded his theory with respect to the superior advantageousness of agricultural industry, on the circumstance of its being found, that if two equal capitals are employed, the one in agriculture, and the other in manufactures, the former will afford employment to a much greater number of individuals than the latter: And those who dissent from Dr Smith's theory, do not deny the assumption on which it is founded; but merely contend that it is not by the number of people, but by the rate of net profit that different businesses yield, that their comparative advantageousness is to be determined. The recommendation of a system that would most certainly occasion a considerable diminution in the demand for labour, is a truly *Irish* mode of providing employment for a people.

Notwithstanding, however, that they will not bear examination, we are ready to admit, that the prevalent notions with respect to the injurious effects of absentee expenditure, appear, on a superficial view, natural and well-founded. When a wealthy landlord resides on his estate, there is generally, in some contiguous village, a number of little tradesmen and manufacturers who work on his account, but who, it is alleged, will be thrown altogether out of employment, and left entirely destitute, in the event of his removing to another country. This opinion, however, is founded entirely on a misapprehension of the nature of profits. Those who raise an outcry against absenteeism, take for granted that all retail dealers, tradesmen and manufacturers, live at the expense of those who employ them, or who buy their products. It is certain, however, that they do no such thing—that they live by means of their own capital and industry, and that these would support them, though their customers were annihilated. The bootmaker, for example, who sells boots at 50*s.*, which only cost him 40*s.* of outlay, does not make his 10*s.* of profit at the expense of his customers. He produces, in a given time, a quantity of boots equivalent to, or worth in silver 50*s.*, while the various expenses to which he is necessarily put in the manufacture of these boots, only amount, when rated in the same medium, to 40*s.* But his customers are all doing the very same thing, they are all making the same profit in their respective businesses;—that is, they are all producing quantities equal to 50, by an outlay of 40; and, consequently, in exchanging silver for boots, the one

gains nothing at the expense of the other. Profit is, in every case, *the result of more being produced in a given period, than is consumed in that period.* And the advantage that is found in exchanging one commodity for another, consists entirely in its enabling labour to be divided, and commodities to be produced, in the best and most expeditious manner.

It is plain, therefore, that the various manufacturers and tradesmen employed by a resident landlord, give him *a full and fair equivalent for what they receive.* And this being the case, it is obvious, that all that the total cessation of the demand for a particular class of commodities can do, is to force those who produce them to employ their capital and industry in some other way. But this is seldom a very serious injury, and is sometimes an advantage. The shoemaker, for example, does not live upon shoes: He produces them only in the view of obtaining other commodities in exchange for them; and if the demand for shoes were altogether to cease, he would directly apply himself to the production of those other commodities.

This principle is quite decisive as to the nature and value of the opinion of those who contend, that when a set of opulent landlords leave one country to establish themselves in another, those tradesmen and manufacturers with whom they dealt, lose all the *profit* which they are said to make in their transactions with the landlords. The profits that these tradesmen, and that all other persons whatsoever, make, consist, in every case, of the *excess*, or the value of the excess, of the commodities produced by them in a given time over those they consume in the same time: And whether they directly consume these commodities, or exchange them for commodities of an equal value belonging to others, has no more to do with profits than it has with poetry or painting. If an agriculturist obtains, at the end of a year, a return of 1,100 or 1,200 quarters of wheat from a farm, and if the various outlays to which he has been put in the raising of this produce amount, when reduced to the same standard, to only 1,000 quarters, his profits will be 10 or 20 per cent.; and this whether he sells his corn or eats it—whether he casts it into the ground as seed, or leaves it to rot on the surface. If the popular opinions with respect to the source of profits were really true, it would inevitably follow, inasmuch as they take for granted that all producers make their profits at the expense of some one else, not only that no additions could be made to capital, but that the capital now in the world must be very ~~soon~~ annihilated! If such were really the condition of

mankind, they would not, in an economical point of view, fare one whit better than a set of tygers in a cage—they would live upon each other, till only one survived—and he would die of hunger! It is obvious, therefore, that it is a radical mistake to suppose that the idea, that profits depend in any degree on exchanges, is only partially erroneous—it is, on the contrary, wholly and completely without the shadow of a foundation.

This principle shows also the error in the reasoning of those who contend, that though absentee expenditure may not be injurious in those cases in which the rents of absentees are first paid in money, and this money again laid out in the purchase of an equivalent amount of Irish produce sent to them, it would still be injurious if the rents were *paid in kind*, and if the actual produce of which they consist were remitted directly to the absentees. But at bottom there is no difference whatever between these cases; and we have supposed that the rents are paid in money, only because such is really the case throughout almost all Ireland. Let it be supposed, however, that the rent of a resident landlord consists of a thousand quarters of wheat, or a thousand head of cattle, and that it is paid *in kind*; and that he exchanges his wheat or cattle for an equivalent amount of such Irish and other produce as he may have occasion for: Suppose, now, that this landlord transfers himself and his family to London, and that the actual sacks of wheat, or head of cattle, are sent to him there, he will in this case exchange them for an equivalent amount of English commodities. Now, it is obvious that the landlord has consumed, in both cases, *the whole value of the corn and cattle*—exchanging them, in the first case, for an equal value of Irish, and, in the second, for an equal value of English commodities. The people of Ireland have, in either case, exactly the same aggregate amount of commodities to subsist upon; the only difference that can possibly exist, being, that when the landlord is at home, they have more *wheat and cattle*, and fewer *manufactured goods*, &c. and conversely when he is absent. But if, in consequence of the absenteeism of the landlord, the supply of raw produce should become deficient, and that of manufactured goods redundant, it is certain that capital would be transferred from the one species of industry to the other—from that in which, as we have already seen, Ireland has no advantage to that in which she really has.

In the event then, of a landlord leaving a country in which he has been resident, it may happen that few of the articles produced by the tradesmen and manufacturers he was in the habit of employing, can be advantageously exported to the country to

which he has gone; and the demand for these will, in consequence, decline in a corresponding proportion. But wherever this happens, what is lost on the one hand will be gained on the other; for the demand for some other species of produce will be equally increased—and it must also be kept in view, that not only the effective demand of the country, but *the capital by means of which the commodities required to satisfy that demand are to be produced, continues undiminished.* The absentee takes no part either of his own capital, or of the capital of the tradesmen and manufacturers of the country he has left, along with him. These remain where they were; and are employed equally to support and employ labourers when the landlords are abroad, as when they are at home. It is true, that a portion of these labourers may be forced to engage in a different employment, and perhaps also to leave the part of the country in which they previously resided. But in a general point of view, these changes are of no importance; and they might equally arise, either from opening new branches of commerce, or from the introduction of any new or improved species of machinery.

For the reasons now stated, a village that is built in the immediate vicinity of a gentleman's seat, generally declines on his becoming an absentee. This, however, is in most cases anything but an injury. The inhabitants of such villages are very generally poor, needy dependants, destitute of all invention, and without any wish to distinguish themselves. But when the proprietor becomes an absentee, they are forced to trust to their own resources, and either establish some sort of manufacture, or betake themselves to those manufacturing and commercial cities where there is always a ready demand for labour, and where every latent spark of genius is sure to be elicited. Although, therefore, it is most certainly true, that absenteeism has a tendency to reduce those villages that are generally found in the neighbourhood of the residence of large proprietors, it is not on that account prejudicial to the country at large, but the reverse. 'Stock and labour,' says Dr Smith, 'naturally seek the most advantageous employment. They naturally, therefore, resort as much as they can to the town, and desert the country.'—(I. p. 195.)

In the remarks we have now made, we have assumed, in order to simplify the discussion, that the absentees take their families, including the various menial servants in their employment, along with them when they emigrate. Menials are in a different situation from tradesmen, manufacturers, &c. They are not supported by means of their own capital, but by the capital and industry of those who employ them. And it is

therefore true, that when a number of wealthy individuals leave a country in which they have resided for any considerable period, without taking their servants along with them, the labourers in that country are apt to be injured by the competition of those who are thus thrown out of employment; while the labourers of the country where their masters go to settle without them, will be proportionally benefited. But it must be observed, that this is an effect which is only sensible at the first commencement of absenteeism; for when it has existed for any considerable period, the population is sure to be adjusted proportionally to the diminished demand for servants. This, however, is the whole extent of the injury which absenteeism ever inflicts on the population of any country; and it is one of so very trifling a description, and so very evanescent in its nature, that it is hardly worth adverting to.

But the declaimers against absenteeism have still another reason for the faith that is in them. They ask, do you mean to say, that Paris, Rome, and Brussels are not benefited by the expenditure of the English absentees? but if you admit this, must you not also admit, that London and Bath are proportionally benefited by the expenditure of the Irish absentees? and if so, does it not clearly follow, that Ireland must lose all that they gain? But while we admit the premises, we deny the inference that is attempted to be drawn from them. We concede that London and Bath are benefited, though in a very small degree, by the residence of Irish absentees; but we deny that Ireland loses what they gain, or that she in fact loses anything by their non-residence. It is plain, that if the commodities sent from Ireland to England on account of the absentees, were those actually consumed by them, they would have no occasion to enter an English shop, or to give an order to an English tradesman; and it is difficult to see how, under such circumstances, their residence here could be of any advantage to any individual. But suppose, which is the fact, that the commodities sent to England are not generally of the class actually consumed by the absentees; England will derive some little advantage from their expenditure—but how? Simply because the commodities imported by the absentees are chiefly the products of the soil, in the raising of which Ireland has an advantage; and because there will be a somewhat greater demand in the markets of England for certain species of manufactured goods, and more of them being in consequence produced, the labour required for their production will be better divided, and they will, in consequence, be produced a little more cheaply and expeditiously. If the commodities imported on account of the absentees, were not

of a class that Ireland could produce with distinctly greater facility than England, the latter, it is plain, would gain nothing by their residence; for if, on the one hand, they increase the demand for a certain species of commodities, they must, by bringing an equivalent amount of some other species into our market, proportionally lessen the demand for some other sort of British produce. But whatever England may gain in consequence of the better division of labour caused by the absentees, Ireland, instead of losing anything, will on her part be an equal gainer. The entire income of these absentees will still be expended in the first instance in the purchase of Irish commodities. There will consequently be the same demand for them, as if the absentees resided at home; and it is, as we have already stated, the *species only of commodities in demand* that will be varied.

Suppose, to illustrate this principle, that an Irish gentleman resident in Dublin, pays an account of 300*l.* or 400*l.* a year to his coach and harness-makers. If this gentleman comes to London he will have a similar account to pay to the coach and harness-makers of that city. But then, it must be kept in view, that the 300*l.* or 400*l.* that were in the first instance paid to the coach and harness-makers of Dublin, must now be paid to the linen manufacturers of Ireland, or to the producers of those articles that suit the English market: And they must assuredly have rather antiquated notions of national advantage, who presume to contend that it is as much for the interest of Ireland to employ her capital and labour in the production of articles in which England has a decided advantage over her, as it is to employ them in the production of those in which she has a decided advantage over England! A century ago, an argument, if we may so miscall it, of this sort, might have worn an imposing aspect. But we should have thought, had not their late outcry convinced us of the contrary, that even the Dublin patriots and paragraph writers would have been inclined to listen to it at present with some misgivings.

In every point of view, therefore, in which this subject can be considered, it appears obvious, that in so far as the question of expenditure is concerned, absenteeism is not in the least degree injurious to the wealth of a country. On the contrary, it is in the great majority of cases decidedly advantageous. Its tendency is to turn industry into those channels into which it is most for the national advantage that it should be turned—or into those which the country has the greatest capabilities for carrying on. It is certain too, in the case of the absentees from England on the Continent, that many of them have gone abroad in order, by living in a more frugal manner than they could

have done at home, to repair shattered fortunes, and to make a provision for younger children. And as the savings of all these persons will ultimately centre in England, it is plain that, while the wealth of the country sustains no diminution in the meantime, it will ultimately be augmented by their non-residence.

With regard to the *second* branch of this inquiry, or that which regards the disadvantages that are said to be occasioned by the want of moral influence and example, and of that protection which it is said a landlord would afford to his tenants and dependents in a greater degree than will be done by agents or middlemen, it is not so easy to arrive at any positive conclusion. An extensive landed proprietor has undoubtedly the means, provided he has the inclination, to do a vast deal of good. 'A man of family and estate, ought,' says Johnson, 'to consider himself as having the charge of a district, over which he is to diffuse civility and happiness, and to give an example of good order, virtue, and piety.' We, however, have now to deal, not with landlords as they *ought* to be, but with those of Ireland as they *really are*. The question respecting the alleged superiority of resident to absentee landlords in promoting the civilization and refinement of the country, must be decided by an inquiry into the conduct of each class; and not by inferences drawn from what that conduct ought to be. Are the estates of the absentees worse managed than the estates of resident landlords? are their tenants poorer and more exposed to oppression? are they more turbulent, and disposed to engage in illegal associations and enterprises? If they are, then non-residence must be injurious, but if not, not.

We may observe, in entering on this inquiry, that there are several circumstances peculiar to Ireland, and not perhaps to be found elsewhere, which render the moral effects of absenteeism very different there from what they would be in any other country. The estates of the landlords of England and Scotland have either descended to them through a long line of ancestors, or they have been fairly purchased from the rightful owners. The persons living on these estates, and their proprietors, have almost uniformly professed the same religious faith; and, generally speaking, their interests have been identified; and the landlord has been induced, in order to promote his own views, and to obtain additional influence and consideration, to behave kindly to his tenants and dependents, and to endeavour to conciliate their confidence and esteem. But the relation subsisting between landlord and tenant in Ireland, has, as every one knows, been entirely dissimilar. Almost all the landed property of Ire-

land has been repeatedly confiscated. The entire area of Ireland is reckoned at *twelve* millions of Irish acres; and the late Lord Clare states, that *eleven millions and a half* of that number underwent confiscation during the seventeenth century! It is, therefore no exaggeration to affirm, that nine-tenths of the present proprietors of Ireland are either the lineal descendants of those to whom this confiscated property was sold or granted by the Crown, or persons who have purchased their estates from them. And besides this original stain or defect in their title, those who obtained grants of confiscated estates were almost all Englishmen and Protestants.

Under such circumstances it was not to be expected that any kindly feelings could speedily grow up between proprietors holding their estates by such titles, and the people of the country. The landlords trusted to the power of England to maintain them in the possession of their property, and looked upon the people, either as avowed and dangerous enemies, whom they had grievously wronged, or as semi-savages whom it was almost hopeless to attempt to civilize. And the people, on the other hand, considered the landlords as robbers, who had possessed themselves by force and injustice of the property of others, as enemies of their religion, and as being at once the instruments and the badges of the dominion of England over Ireland. Nothing, it is obvious, but discord, oppression, and bloodshed could have followed from the residence of such landlords. Nor can any thing be more absurd than to argue, that because the residence of the English and Scotch proprietors on their estates has proved of the greatest advantage in introducing a taste for the elegancies and luxuries of life, and in diffusing a spirit of refinement throughout the country, the same effects would have followed from the residence of the Irish gentry. It is true that the mutual prejudices to which we have alluded, are now very much obliterated. But before the residence of the landlords can be advantageous to Ireland, they must learn in some degree to sympathize with the feelings of the people; and though we do not expect them to renounce Protestantism for Catholicism, they must, at all events, cease to exhibit themselves as leaders of Orangemen, and as the most vehement opposers of the rights and privileges so long and so unwisely withheld from their Catholic countrymen. When once the landlords have convinced the people that they have the same interests as them—that they are no longer the abettors of their oppressors, and the revilers of all that they most esteem—their residence will be advantageous. But until they have done this, we have no hesitation in saying, that they will best consult their own interests and those of Ireland, by continuing to reside in England or France.

With respect to the actual management of the estates belonging to absentee proprietors, it will be found, though there are no doubt very many instances of mismanagement, that they are on the whole decidedly better managed, and are occupied by a richer and better class of tenants than those belonging to residents.* And this is really what any unprejudiced inquirer would have been led *a priori* to anticipate. The absentees have generally been resident in England, where they have witnessed the many advantages resulting from the fair and liberal treatment of tenants, and where they also have had an infinitely greater chance of becoming familiar with an improved system of husbandry, and with the best modes of letting and occupying land, than they could have had, had they resided in Ireland: And however little we may suppose them to have cared for their Irish dependents, still it was natural to expect that a regard for their own interests would dictate to them the expediency of attempting to introduce into their estates in Ireland, a system similar to that which has been productive of so many advantages in England. And such has actually been the case with very many absentees. The noble estate of Earl Fitzwilliam in Wicklow, for example, consisting of about 70,000 acres, is in the highest possible state of cultivation, and is occupied by the most affluent and independent tenants of any in Ireland. And though we are aware that it would be most improper to attempt to found any general conclusion on this particular case; it would be easy to produce very many examples of the same sort. Mr Tighe, the well informed and intelligent author of the Survey of Kilkenny, a work that certainly stands at the head of that class of publications, states distinctly that ‘in many instances absentees are the *best landlords*,’ (p. 586.) And Mr Wakefield, whose general opinions are unfavourable to non-residence, but who is too candid to conceal or colour any fact that makes against his own views, corroborates Mr Tighe’s statement. The largest estate in Ireland is situated in the county of Galway, and belongs to a gentleman who resides constantly upon it; but it exhibits throughout every mark of the most wretched cultivation; ‘and ii,’ says Mr Wakefield, ‘it be compared with the estate of Lord Fitzwilliam, we shall be puzzled to find out the truth of the incessant ‘complaints made against absentees.’ (Vol. I. p. 259.) When noticing the county of Rosecommon, Mr Wakefield says, that the large property belonging to the then resident proprietor, Lord ———, was the worst managed he ever saw.—‘I found ‘every where cabins of the most wretched aspect, infamous ‘stone roads, very minute divisions of land, and a super-

‘abundant and miserable population. I do not recollect to have travelled through any estate in Ireland which presented such a scene of desolation; and nothing astonished me so much as the multitude of poverty-struck inhabitants, from whom I could learn very little more than that the estate belonged to ‘My Lord,’ whom they loaded with imprecations.’ (I. p. 274.) All resident landlords, to be sure, are not of this description, and all non-resident landlords are not Fitzwilliams; but most certainly there does not seem to be the shadow of a reason for preferring the former to the latter.

It should also be recollected that a very large proportion of the property in Ireland belonging to absentees, is let on perpetual leases, or is, as we in Scotland would term it, *feu'd*. The tenants are thus in fact the real proprietors. Their superior has no power to interfere in the management of the estate; when his quit-rent is paid, he has no further claim on the property. A large proportion of the immense tract of country belonging to Lord Lansdowne is thus let on perpetual leases, and at a rent which does not exceed a third or a fourth of its real value. Lord Doneraile has an estate in Cork for which he gets 2,000*l.* a year; but Mr Wakefield says that it is worth 18,000*l.* a year to the perpetual tenants. Lord Kenmare, one of the absentees, has an estate in the county Kerry which brings him 8,000*l.* a year; but it is let on interminable leases, and his Lordship’s tenants, who are the real proprietors, get a profit rent of 40,000*l.* a year! Lord Powis, another absentee, has an estate in the same county, from which he gets 1,900*l.* a year; but it is leased for ever; and the real proprietors have lately relet the estate for 28,000*l.* a year of profit! The estate of the Chandos family, now in the possession of the Duke of Buckingham, and hundreds more, are in the same predicament. And such being the case, is it at all surprising that the *nominal* owners should decline living on estates over which they have no control, and which really belong to others? When an Act was passed in the reign of Henry VIII., every way worthy of the period, compelling absentees to reside on their properties in Ireland, under penalty of forfeiture, the Duke of Norfolk and the Earls of Shrewsbury, Berkeley, and others, made a voluntary surrender of large tracts of land to the Crown, rather than comply with the provisions of so oppressive a statute. Should a similar Act be passed at this moment, we verily believe it would have a nearly similar effect. Can it be supposed that the apprehension of the loss of 1,900*l.* a year would be sufficient to induce Lord Powis to reside upon an estate which does not belong to him, and where he could not execute a single improvement, or make a single alteration?

It may, however, be supposed, that when the real proprietors of estates are resident, they will be ready to remedy grievances of which an absentee must necessarily be ignorant, and that they will be ready to protect their tenants from being plundered by their agents. But this, we are sorry to say, does not really seem to be the case. On the contrary, there is good reason to conclude, that there is less fleecing and extortion practised on the tenants of absentee landlords, than on those of residents. An English nobleman or gentleman would spurn the idea of having the leases to his tenants determined by the magnitude of the presents, or, to call them by their right name, *bribes*, they had offered to his lady, his daughters, his mistress, or his agents. But *this disgraceful practice is universal in Ireland*. As a sample of the protection afforded by the resident landlords to their tenants, Mr Wakefield tells us, that when the late proprietor of one of the largest and finest estates in Ireland, appointed an agent, he borrowed of him 20,000*l*. The agent, who was a man of principle, and who wished it to be clearly understood how he was to be repaid, and whether he was to follow the usual custom, and extort presents and perquisites of all sorts from the tenants, asked his employer in what manner he wished him to act—‘*Get all you can,*’ was the short and shameful reply!—(Vol. I. p. 299.)

It has been often contended, that the system so much practised in Ireland, and so much declaimed against, of letting large tracts of land to a principal tenant, or *middleman*, authorized to let them again in smaller portions to the actual cultivators, had its origin in absenteeism. But this opinion does not seem to rest on any good foundation. Those English noblemen and gentlemen who acquired large masses of confiscated property in Ireland, found their estates in the possession of a crowd of poor, uncivilized, and disorderly occupiers, whom it was impossible to eject, and of whose customs and modes of occupancy they were wholly ignorant. Such persons had hardly, as Mr Leslie Foster has observed in his evidence before the Committee of the House of Lords, any resource but to let their estates to adventurers, who were ready to meet such a state of things, and to make the most of it. * The system, once introduced, has still been continued; but it is gradually wearing out, and is not more practised at this day on the estates of absentees than on those of resident landlords. Neither do we

* Minutes of Evidence taken before the Select Committee of the House of Lords, on the state of Ireland, printed by order of the House of Commons, 14th April 1825, p. 59.

think that the middleman system is justly chargeable with many of the mischiefs that have been ascribed to it. There can be no question, indeed, that the system of underletting and subdividing farms has been the chief bane and curse of Ireland: But that system is mainly a consequence of the vicious and abominable system of law that obtains in Ireland with respect to landlord and tenant, and would not be materially amended by the annihilation of the middlemen. If a Scotch landlord were to let an estate to a middleman, without putting any stipulations in the lease with respect to the mode in which it was to be occupied and managed, he would have himself alone to blame if the middleman adopted an erroneous system. But the law of Ireland is at present in so deplorable a state, that a landlord who has let an estate ceases to have any control over it; and the most important stipulations in leases are openly trampled under foot and disregarded by the tenants, without the landlord having the power to eject them, or to protect his property from being ruined!

On Mr Blake, an Irish lawyer, and a member of the Education Commission, being asked by the Committee of the House of Commons, whether, as the law of Ireland now stood, a landlord would experience very great difficulty in devising covenants, upon the efficiency of which he could rely, for the purpose of preventing sub-letting, he unhesitatingly answered, ‘I think he *would find difficulties amounting almost to an impossibility.*’* When speaking of the consequences of this system, and of the disastrous and fatal influence it has had on the landed property of Ireland, a very intelligent witness, Mr Staunton Rochfort, a magistrate of Queen’s County and Carlow, stated to the Committee of the House of Lords:—‘I have three farms which have lately fallen out of lease in the County Galway, of about 400 acres each; *they were each let to one tenant originally, and when they fell into my hands, I found from THREE HUNDREN to FOUR HUNDRED inhabitants on each of them.* What to do with them I really do not know; *they are absorbing all the produce of the land, and paying me nothing;* and without resorting to measures which common humanity prevents—turning them all off—I know not what to do!’† But, had the law of Ireland been similar to that which most fortunately obtains in Scotland, this miserable result could not have taken place, except by the concurrence of the landlord; for, according to our law, the moment a subtenant is admitted into a farm, or the moment an at-

* First Report, 1825, Minutes of Evidence, p. 39.

† Minutes of Evidence before Irish Committee, p. 302.

tempt is made to subdivide it, *whether among the children of the occupier or otherwise*, the landlord is entitled to get the lease reduced, and the tenants ejected; and in the vast majority of cases, the apprehension of such a result is quite sufficient to prevent any attempt to defeat the stipulations in a lease being made.

But this is not all. While the law of Ireland is thus, on the one hand, ineffectual to protect the finest estate from being parcelled into potato-gardens, at the discretion of the tenants; on the other, it arms the landlord with power to commit the most flagrant injustice and oppression: For, in the event of a middleman who has received payment of the rents due to him by his subtenants, becoming bankrupt while in arrear to the landlord, the latter is authorized to distrain the goods of the cultivators, and to force them to pay their rents over again to him! Nor is this species of oppression rarely practised. On the contrary, instances are every day occurring, in which the whole stock and property of the cultivators of extensive estates are driven to the pound, and sold to pay a debt *which they had already discharged!* We do not believe that the law of Algiers sanctions any such monstrous abuse: And until it has been completely put down, it is idle to expect that there can be either security of property, or peace, or prosperity in Ireland.

We are glad, however, to have to state, that these scandalous and most ruinous abuses have at length been fairly brought under the notice of the Legislature. Sir Henry Parnell has introduced a bill into Parliament, the object of which is to assimilate the law of landlord and tenant in Ireland to the Scotch law, by rendering leases *real* property; and declaring that, henceforth, no tenant shall be entitled, unless a clause to that effect be inserted in his lease, to introduce a new tenant into the farm, or to devise or assign it, to any individual, in the event of his death, other than his heir at law: And it is also enacted in Sir Henry's bill, that no landlord who authorizes his immediate tenants to sublet, shall be entitled to distrain the goods of the under tenants for *bona fide* payments of rent made by them to the principal tenant, should the latter become bankrupt while in arrear to him. As Mr Blake, Mr Leslie Foster, and all the witnesses without exception examined by the late Committees of the Houses of Lords and Commons, bear the most unequivocal testimony to the abuses and defects of the existing law; there can, we should think, be little doubt that Sir Henry Parnell's bill will receive the sanction of the Legislature; and if so, we have no hesitation in saying, that it will be beyond all comparison the greatest boon ever conferred

on Ireland. It will, by interposing a powerful check to the splitting of farms, have a strong tendency to lessen the excessive progress of population: And when the landlords are prevented from having recourse on the occupiers, they will become infinitely more attentive to the character and qualifications of the head tenants, or middlemen, to whom they let their estates, than they are at present; and will find it to be indispensable to attend to other considerations, besides the amount of rent that may be promised them.

Under the proposed law, most of the objections to the middleman system will be removed. It is, indeed, quite visionary, to pretend that a middleman has no interest in the prosperity of his subtenants; when it is acknowledged, that if they fail, the lands are thrown on his hands, and he is forced to make up the rent to the proprietor. No doubt, it is for the interest of the middleman that there should be subtenants; and, on that account, we consider management by agents as the preferable mode; but it is as little for the interest of the middleman that his subtenants should be ruined, as it is for the interest of the physician that his patients should be despatched by a summary process.

It is said that middlemen are injurious, because they are generally Protestants, and frequently Orangemen, and their subtenants Catholics. It is seldom, however, that a man thinks of gratifying his bigotry at the expense of his purse. Besides, this is an observation that applies rather to the *past*, than to the present state of Ireland; for, since the relaxation of the penal laws, many of the Catholics have become middlemen, and have acquired large landed properties. Supposing, however, that the observation was applicable to the present state of the country, the source of the evil, it is plain, is not in the employment of middlemen, but in the Catholic code. Repeal the wretched remnant of this disgraceful code—do not deprive a man of his political rights and constitutional privileges, because he chooses to say mass and believes in purgatory; and there is an end of every oppression that can spring from this source.

From what has now been stated, our readers will not, we presume, be disposed to wonder when they are told that, generally speaking, the inhabitants of those districts in which there are the most resident gentry, are very often the most disposed to disturb the peace of the country, by engaging in illegal associations and enterprises. On Mr Maxwell Blacker, a King's Counsel appointed to superintend the execution of the Insurrection Act in the counties of Cork and Tipperary, being asked by the Committee of the House of Commons, whe-

that there were more resident gentry in the former than in the latter, he replied, * That is no clue at all to trace the disturbances; for, *the disturbances in Cork prevailed in that most part that is most thickly inhabited by gentlemen.* I judge of that by the number of magistrates I had officiating at Mallow; the disturbances extended from thence to Limerick, and raged about Doneraile and Mallow, and yet *that part is, I conceive, as thickly inhabited with gentry as any other part.** And on being asked, whether that part of Cork which was least inhabited by gentry was not the quietest, Mr Blacker answered, that the western part, where there are almost no gentry, *was nearly quite tranquil.* † Major Warburton, one of the inspectors under the new constabulary bill, and a gentleman of talent and respectability, who had for some years filled the office of chief magistrate of the county of Clare, was examined at great length by the Committee, and gave the following information with respect to the effects of the residence of the landlords on the tranquillity of the country.

* In those baronies in the county of Clare, where there are a great many absentee proprietors, have they not been the most tranquil during your residence in the county?—*Upon my word I think they have,* as far as I know the position of the absentee property.

* In those baronies where there are few or no resident gentry, has not the tranquillity which prevailed, been greater than in the baronies, in which there have been a greater number of resident gentlemen?—It has.

* Are there any resident gentry in the barony of Ibrickin?—Very few indeed.

* Has not that barony been completely undisturbed?—That barony has been quiet since I went to the county, except immediately in 1816.

* Was not the part of the barony that was then disturbed, the *very part where the few resident gentry resided?*—It was.

* And the other parts of the barony remained undisturbed?—Yes.—(Minutes of Evidence, p. 151.)

Many statements to the same effect might be produced from other parts of the evidence; but we apprehend that our readers will be disposed to consider those we have now given, coming, as they do, from gentlemen of unquestionable veracity, and who had the best possible means of obtaining accurate information, as perfectly decisive.

* Minutes of Evidence before Select Committee on the State of Ireland, printed 11th February 1825, p. 67.

† Ditto, Ditto.

We think we have now said more than enough, to show the erroneousness of the opinions entertained by those who suppose that the non-residence of the landed proprietors has had any considerable effect in impoverishing the peasantry of Ireland, or in stimulating them to acts of outrage. The real causes of their poverty, and of their excesses, must be sought for in their redundant numbers, and in the vicious institutions of the country. Let complete and unqualified emancipation be given to the Catholics—let the oppressive and odious burden of Tithes be struck off—let the Magistracy be thoroughly revised and purified, and assistant barristers appointed to preside at the *Petty*, as well as at the Quarter-sessions—let the law of Landlord and Tenant be altered and amended in the way we have pointed out—let the system of dividing farms, for the sake of multiplying beggars, under the name of forty shilling Freeholders, be abolished—and let the children of the poor be universally instructed, not only in the arts of reading and writing, but in a knowledge of the circumstances which really determine their condition in life—let these things be done, and the foundations of peace and prosperity will be laid. The landlords will then either choose to reside on their estates, or their non-residence will be as little attended to as that of the landlords of Scotland and England. But, *until* these things have been done—until the abuses that affect every department of the administration, and which have fastened on the vitals of the country, are fearlessly put down—it is idle to expect that the landlords will reside in Ireland, and still more to believe, that their residence could be of any real or material advantage.

ART. IV. *Observations on the Silk Trade.* London, 1825.

FOREIGN silk goods are at present, and have been for more than a century, prohibited from being imported into Great Britain. But according to the provisions of an Act, passed during the Session of 1824, foreign silk goods are to be freely admitted after July next, on payment of an *ad valorem* duty of 80 per cent. It was natural, considering the present magnitude and importance of the silk manufacture, that so fundamental a change in the circumstances under which it has been long conducted, should excite the earnest attention, not only of the persons whose interests are more immediately involved, but in a considerable degree also of the public: And as very different opinions have been advanced, at the public meetings that have

been held on the subject, with respect to the policy and probable operation of the new Act, we believe we shall not be doing an unacceptable service, if we avail ourselves of this opportunity to make a few observations on the subject. We shall begin by laying before our readers a short sketch of the rise, progress, and present extent of the British silk manufacture. When once we have ascertained the effect of the restrictions under which the trade has hitherto laboured, we shall be the better able to form a correct estimate of the consequences that may be expected to follow from their abolition, and the introduction of a system of free competition in their stead.

The silk manufacture was introduced into England in the fifteenth century. Its early progress was, however, far from being rapid; but it gradually increased according as the increasing wealth of the country occasioned a greater demand for silk goods. The silk throwsters of the metropolis were united in a Fellowship in 1562, and were incorporated in 1629; and so prosperous and flourishing had their business become, that it is stated, in the preamble to a statute passed in 1666 (13 and 14 Cha. II. cap. 15th), that they had, at that time, no fewer than *forty thousand* individuals in their employment! And it is of importance to observe, that though the importation of silk goods from foreign countries was occasionally prohibited during the reigns of James I., Charles I., the Protectorate, and the reign of Charles II., the prohibition was not strictly enforced; and, generally speaking, their importation was quite free.

A considerable stimulus, though not nearly so great as has been commonly supposed, was given to the English silk manufacture by the revocation of the Edict of Nantes in 1685. Louis XIV. drove, by that intolerant and disgraceful measure, several hundred thousands of his most industrious subjects to seek an asylum in foreign countries; of whom, it is supposed, about 50,000 came to England. Such of these refugees as had been engaged in the silk manufacture, several branches of which were then in a comparatively advanced state in France, established themselves in Spitalfields, which has continued ever since the principal seat of the British silk manufacture. At the period of the influx of the refugees, foreign silks were freely admitted into England; and it is stated in the Customhouse returns, that from 600,000*l.* to 700,000*l.* worth were annually imported in the interval from 1685 to 1693. But the manufacture was not long permitted to continue on this footing. In 1692, the refugees, who seem to have been quite as conversant with the arts of monopoly as with those either of spinning or weaving, obtained a patent, giving them an exclusive right to manufacture lustrings

and a-la-modes, the silks then in greatest demand. This, however, was not enough to satisfy them; for, in 1697, Parliament passed an Act, in compliance with their urgent solicitations, prohibiting the importation of all French and other European silk goods; and in 1701, the same prohibition was extended to silk goods imported from India and China.

We have been thus particular in stating these circumstances, because they serve to show the entire fallacy of the opinion so generally entertained, that we owe the introduction and progress of the silk manufacture to the prohibitive system. So far from this being the case, it is a fact that is proved by the statements in repeated Acts of Parliament, and by a variety of other equally conclusive evidence, that the silk manufacture had overcome all the difficulties incident to its first establishment, had been firmly rooted, and had become of very great value and importance, before it was subjected to the trammels of monopoly; and, consequently, before our manufacturers were taught to trust more to fiscal regulations, and the exertions of Custom-house officers, than to their skill and ingenuity for the sale of their goods.

The year 1719 is an important epoch in the history of the British silk manufacture, a patent being then granted, for fourteen years, to Sir Thomas Lombe and his brother, for the exclusive property of the famous silk-mill erected by them at Derby, from models they had clandestinely obtained in Italy, for preparing thrown, or as it is more commonly called, *organzine* silk. At the expiration of the patent, Parliament refused the prayer of a petition of Sir Thomas Lombe, for its renewal; but granted him a sum of £4,000/., in consideration of the services he had rendered the country, in erecting a machine which, it was supposed, would very soon have the effect to enable us to dispense wholly with the supplies of thrown silk we had previously been in the habit of importing from Italy. But, instead of being of any real advantage, it is most certainly true, that the establishment of throwing mills in England has proved one of the most formidable obstacles to the extension of the English silk manufacture. These mills were originally constructed in consequence of the heavy duties laid on thrown or organzine silk: And the circumstance of their having been erected, and a large amount of capital invested in them, has been urged, and, hitherto, with success, as a reason for continuing these high duties!

From this period the manufacture advanced gradually, though slowly, until about 1785 or 1790, when the general substitution of cottons for silks, in articles of dress and furniture, gave it a check, from which it did not recover for some

years. So rapid was the change of fashion, that in Spital-fields only, above 4,000 looms were shut up in 1793, which, when in full work, seven years before, had given employment to about 10,000 persons.

The trade began to revive in 1798 or 1800, and has made an astonishing progress within the last ten or twelve years. This has been in no inconsiderable degree owing to the facility with which increased supplies of raw silk are now obtained from India. In 1770 the East India Company began to introduce the Italian mode of preparing and winding silk into Bengal; but the obstacles to its introduction, from the ignorance and prejudices of the natives, and other causes, rendered its progress, for several years, comparatively slow. The average quantity of raw silk imported from India previously to 1770, did not exceed 100,000 lib., and this, too, of a very inferior description, and worth only from a third to a half of Italian silk. In 1780 the imports from India amounted to about 200,000 lib.; and, in 1800, to nearly 500,000 lib. Since then, they have continued to increase in a still greater proportion, the quantity of Bengal silk imported in 1823 having been upwards of 1,200,000 lib. of an exceedingly improved quality. The price of Italian raw silk is stated, in the second Report of the Lords' Committee on Foreign Trade, (p. 4), to be from 13s. to 26s. a pound, exclusive of duty, and that of Bengal from 12s. to 25s.: But as only one crop of raw silk is annually produced in Italy, while *from two to three crops are produced in the same period in India*, a very great reduction of price may be expected the moment those absurd and jealous regulations are removed, that now prevent the free application of European capital and skill to the culture and preparation of India silk.

There is a circumstance connected with the sale of raw and wrought silks by the East India Company, which we confess ourselves totally unable to explain, and on which no merchant we ever met with could throw any light. It is this, that any one may purchase of the Company *equal weights of raw and manufactured silk for the same sum of money!* It is plainly impossible that this anomaly could obtain under a system of free trade; and the Company ought to be called upon to show how it arises. The price of the raw silk sold by the Company must, it is evident, be either too high, or that of manufactured goods too low; and now that India silk goods are about to be admitted for home consumption, this is a mystery that ought to be cleared up.

The following is an official account of the quantities of raw and thrown silk imported into Great Britain in the year ending the 5th of January, 1824.

An Account of the Imports of Raw and Thrown Silk, from the 5th January 1823 to 5th January 1824.

Countries from whence Imported.	Raw.	Thrown.	Total.
Germany - - -	35,689		
Holland - - -	1		
Flanders - - -	1,171		
France - - -	396,355 $\frac{1}{2}$	1	
Portugal - - -	179		
Spain - - -	1,300 $\frac{1}{4}$		
Gibraltar - - -	5,784 $\frac{1}{4}$		
Italy - - -	196,787 $\frac{1}{2}$	359,610 $\frac{1}{6}$	
Malta - - -	381		
Turkey - - -	203,059		
W. E. Brit. - - -	44		
Do. Foreign - - -			
Bengal - - -	1,218,664 $\frac{1}{6}$		
China and Persia - - -	392,717		
	2,452,130 $\frac{1}{2}$	359,611 $\frac{1}{6}$	2,811,772 $\frac{1}{6}$

During the same year the exports amounted to only 53,600 lib., of which 40,000 were to Ireland. The imports of silk into Great Britain during the year ending 5th January 1825, amounted to 3,382,357 lib.; of which 1,716,734 were furnished by Italy, and 1,307,300 by the East Indies and China.

It is difficult to form any precise estimate of the present value of the British silk manufacture; but the immense amount of raw and thrown silk imported, shows that it is of vastly greater value than is commonly supposed. ‘I calculate,’ said Mr Wilson, a well-informed and extensive silk manufacturer, ‘that 40,000 hands are employed in throwing silk for the weaver, whose wages will, I think, amount to 350,000*l*. I estimate that half a million of pounds of soap, and a large proportion of the most costly dye stuffs, are consumed, at a further expense of 200,000*l*.; and that 265,000*l*. more are paid to 16,500 winders to prepare it. The number of looms may be taken at 40,000, and, including weavers, warpers, mechanics, harness-makers, cutters, twist-ers, cane-spreaders, quill-winders, and draw-boys, at two hands to a loom, will employ 80,000 more persons, and the wages amount to 3,000,000*l*. If we include infants and dependents, about 400,000 mouths will be fed by the silk manufacture, the value of which I estimate at TEN MILLIONS.’ * Mr Hale of Spitalfields estimates the

* Second Report of the Lords’ Committee, p. 39.

number of persons supported by the silk manufacture at 500,000; but as Mr Bell, and some other very intelligent gentlemen engaged in the trade, do not carry their estimate so high as Mr Wilson, perhaps his, which is the medium, may be regarded as the most accurate.

These statements are sufficient to show the very great and increasing importance of the British silk manufacture. Such, indeed, and so rapid has been its improvement, that it has now become of considerably greater magnitude and value than that of France! M. Chaptal, who had the best means of obtaining accurate information on the subject, states, in his valuable work *Sur l'Industrie Française*, that France does not, in ordinary years, produce more than a million of pounds of raw silk, and that the whole quantity consumed in the French manufacture is not more than double that amount. (*Tom. ii. p. 118*). Neither is it in extent only that we have begun to surpass our ingenious and enterprising neighbours: For though they still continue to excel us in the manufacture of the lighter fabrics, we have obtained an unquestionable superiority over them in the manufacture of gloves and bosiery, as well as in that of poplins, and all those mixed fabrics of which silk is the basis, and we are also already rivalling them in the brightness of our colours and the durability of our dyes. The existing prejudice in favour of French silks, is beyond all doubt to be ascribed principally to the prohibition against their importation: For it is stated in the evidence before the Lords' Committee, that the greater proportion of the silks professing to be smuggled, disposed of in London and other places, are of British manufacture—brought from Spitalfields and Manchester, and not, as our ladies implicitly believe, from Lyons and Marseilles.

It is certainly true, that British silk goods are, generally speaking, higher priced than those of France. But this is wholly a consequence of the artificial circumstances under which the British silk manufacturer has been placed, and does not result from any natural incapacity on our part to prosecute the manufacture with the greatest success. There is no reason whatever to think, had the silk manufacture been treated by Government in the same way as the cotton manufacture—had our manufacturers been allowed to import the raw material free of duty, and been obliged to depend on their own genius and invention for their ascendancy in the home as well as in the foreign markets—that we should not have made equally rapid advances in both these great departments of manufacturing industry. But besides being entrenched behind ramparts of prohibitions, and deprived of that stimulus which free competition

alone can give—the British silk manufacturer has had to contend with other and very serious difficulties. The French manufacturer obtains all that portion of his raw silk, amounting to about a half, which is raised at home, without payment of any duty whatever, and is only charged on the other half with a duty of 1 franc 2 cent. per killogram (2 lib. 3½ oz. avoirdupois), being at the rate of about 4½d. per lib.; at the same time that the duty on foreign organzine imported into France only amounts to 2 francs 4 cent. the killogram, or to 9d. per lib.; whereas, the English manufacturer was forced, up to last year, to pay a duty of 4s. per lib. on all silk imported from Bengal; of 5s. 7½d. on all other raw silk; and of 14s. 8d. on organzine! These monstrous duties added about 25, 30, and 40 per cent. to the prime cost of the different species of silk on which they were respectively imposed. It must also be recollected, that in addition to the waste incurred in the different stages of the manufacture, silk loses about a fourth part of its weight in the dying only; and this, with the length of time that elapsed between the payment of the duty on the raw material, and the sale of the finished article, necessarily contributed still farther to enhance its price to the consumer. But it is unnecessary to say more with respect to the oppressiveness of the duties in question, than to mention, that the Committee of the House of Lords distinctly state, that the large drawback of 12s. allowed on every pound weight of manufactured silk exported, was, in the great majority of cases, a very inadequate compensation for the duty originally paid!

Various representations had been made to Ministers, at different periods, on the subject of these duties. But Mr Vansittart, who never once doubted that two and two make four in the arithmetic of the Customs, as well as in that of Cocker, turned a deaf ear to all who ever proposed to lower a tax. Fortunately, however, the reign of this tax and restriction-loving gentleman, and that of his worthy and well-selected colleague, Mr George Rose, was at length brought to a close; and no sooner had Messrs Robinson and Huskisson been advanced to the situations they now fill with so much credit to themselves and advantage to the country, than the state of the silk manufacture was brought under their notice, by petitions to the House of Commons, subscribed by the principal persons concerned in the trade. Among others, a petition was presented from the principal manufacturers in and about London, in which they state, that ‘this important manufacture, though recently considerably extended, is still depressed below its natural level, by laws which prevent it from attaining that degree of

prosperity which, under more favourable circumstances, it would acquire. Taking into account the unlimited supply of silk with which we might be furnished from our East India possessions, our indefinite command of capital, and the unrivalled skill and industry of our artisans, your petitioners hesitate not to express their conviction, that, by judicious arrangements, our silk manufacture might be placed in a condition ultimately to triumph over all foreign competition, and that silk, like cotton, may be made one of the staple commodities of the country.

Mr Huskisson having, in consequence of these representations, turned his attention to the state of the silk manufacture, it was not difficult for him to discover, that it laboured under two great disadvantages—the enormous duties on the raw material,—and the prohibition against importation from abroad. The effect of the *first*, was to render silk goods so extravagantly high, as to prevent their being used by any but the most opulent classes; and of the *second*, to extinguish, or at least very much weaken, that spirit of invention and discovery which had given us so decided a superiority in all the other great branches of manufacturing industry. ‘The monopoly,’ as was well observed by Mr Huskisson, ‘had produced, what monopoly was always sure to produce, an indifference with regard to improvement. That useful zeal which gives life to industry, which fosters ingenuity, and which in manufactures occasions unceasing efforts to produce the article in the most economical form, had been comparatively extinguished. To the prohibitive system it was to be ascribed, that in silk only, in the whole range of manufactures, we were left behind by our neighbours.’ We have here a proof of that chilling and benumbing effect which is sure to be produced when no genius is called into action; and when we are rendered indifferent to exertion, by the indolent security derived from restrictive regulations. I have not the slightest doubt, that if the same system had been continued with respect to the cotton manufacture, it would have been, at this moment, as subordinate in amount to the woollen, as it is junior in its introduction into this country.*

In accordance with these just and enlarged views, Mr Huskisson proposed, that the duties on unprepared raw silk should be immediately reduced so low as 3d. per lib. But it was affirmed to be impossible, without entirely ruining the proprietors of silk-mills, to make a corresponding reduction in the duties on for-

reign thrown or organzine silk; and in consequence, the duties on organzine imported from abroad were only reduced from 14s. 8d. to 7s. 6d. per lib. Having thus provided for the reduction of the duties, Mr Huskisson proposed that the prohibition against importation should continue up to July 1826; and that, subsequently to that period, foreign silk goods of every description might be legally imported on paying an *ad valorem* duty of 30 per cent. The House having agreed, by a very large majority, to the resolutions proposed by Mr Huskisson, they were soon after passed into a law.

It was not to be expected, considering the peculiar circumstances under which the silk manufacture had previously been carried on, that so great a change should be very cordially approved by many of those engaged in the trade; and the fears that were at first expressed by several, of our incapacity to withstand the competition of the French under the new system, have latterly become more universal; and meetings have in consequence been held in London, and memorials presented to Ministers, in order, as we understand, to induce them to postpone the period for the repeal of the prohibition. But while we hope and believe that Ministers will make no concession whatever on this point, we are at the same time ready to admit, there are others connected with the subject that undoubtedly have a strong claim on their immediate attention. When the lengthened period during which the silk manufacture has existed under a protection from foreign competition, and the magnitude to which it has now grown, are taken into account, nothing, it is obvious, could be more impolitic than to expose it rashly to any sudden and injurious shock. It was, however, supposed by Mr Huskisson, that the 30 per cent. *ad valorem* duty would afford an ample security against any such contingency; and so it certainly would, were the French and English silk manufacturers placed, in other respects, under nearly the same circumstances. But such is *not* the case; inasmuch as the French only pay a duty of about *ninepence* per lb. on the organzine which they import from Italy, whereas it is still loaded in this country with a duty of *ten times* that amount, or of 7s. 6d. It is true, that British organzine pays only the low duty of 3d. per lib. on the raw silk of which it is prepared; but for all the richer goods, as damasks, satins, gauzes, &c. in which the French are our great rivals, Italian organzine is still indispensable. The manufacturers contend, that while this high duty on organzine is continued (equal, as they affirm, of itself, to 35 per cent. on the cost of the material), in addition to the high duties that are also imposed on dye stuffs, ashes, and soap, all of

which are very largely used in the silk manufacture, an *ad valorem* duty of 30 per cent. must be totally insufficient to protect from ruin, those branches of the manufacture in which they are most likely to be undersold by the French, Germans, and Swiss, to say nothing of the Chinese and East Indians.

Now, although we do not pretend to say that the manufacturers may not have somewhat exaggerated the effects of the duty on organzine, dye stuffs, and soap, still it is perfectly clear that their statement must be to a very great extent true, and that it is in every respect highly deserving of consideration. But, admitting the statements of the manufacturers to be true to the letter, ought we, therefore, to perpetuate that system of monopoly which has already been productive of so many disadvantages?—most certainly not. The obvious, effectual, and only proper remedy is, to take off the duties on dye stuffs and ashes, and still farther to reduce those on organzine and soap. We have always approved the policy of ministers in reducing those taxes that affect the commerce and manufactures of the country, in preference to those that the consumers are directly called upon to pay. But of all the indirect taxes, we do not know that there are any more oppressive than those on dye stuffs and soap. The latter is not only burdened with a heavy direct duty, but it is also taxed indirectly in the shape of tallow and barilla, the constituents of which it is made: And the fact that these duties add, on an average, 120 per cent. to the cost of soap, and that 40 lib. of soap are required for every 100 lib. of silk dyed in colours, shows how extremely injurious they must be to the silk manufacture, as well as to those manufactures in which soap is largely used. We do, therefore, hope that this subject will engage the speedy attention of Ministers. The revenue that would be immediately lost by the entire repeal of the duties on barilla, tallow, dye stuffs, &c. would not exceed 236,000*l.*; and from thirty to fifty per cent. might be deducted from the direct duty on soap, without occasioning any ultimate loss of revenue, and with very great advantage to the manufactures and commerce of the country. *

* We subjoin a note of the current prices, duty included, of some of the principal articles used in the dying of silks, of the amount of the duty on them, and of the net revenue derived therefrom, in the year ending 5th of January 1825.

	Price.	Duty.	Revenue.
Ashes, Pearl and Pot,	4 <i>ls.</i> per cwt.	1 <i>ls.</i> 2 <i>d.</i> per cwt.	<i>L.</i> 29,481
Bark (Quercitron),	16 <i>s.</i> —	2 <i>s.</i> —	2,722
			—————
		Carry over,	32, 463

Any farther reduction of the duty on foreign organzine will most probably be opposed by the British throwsters. But we have heard some of the best informed amongst them admit, that with a protection of 3s. or 4s., *they would not have much to fear*; and from all that we can learn on the subject, we are firmly persuaded that our throwsters would be just as effectually protected by that duty, as they are by the present duty of 3s. 6d. Besides, it would, in any view of the subject, be the extreme of folly to risk the sacrifice of the whole silk manufacture, for the sake of this subordinate and accessory branch! There is no reason, however, for apprehension with respect to the safety of any branch of the manufacture. It is admitted on all hands, that the machinery in the British mills is vastly superior to that used in Italy; nor can there be a doubt, that if our throwsters had any strong inducement to call the various resources of mechanical skill and genius to their assistance, they would very soon obtain a decided ascendancy over the Italians. The idea that the Italians export the inferior sorts of raw silk only, and that they keep the better sorts at home, in order to convert them into organzine, is contradicted by the fact, that raw silk has borne, for many years back, rather a higher proportional price than organzine. But it is not proposed to withdraw the protection hitherto given to the English throwsters; though it is quite indispensable, in order to prevent the extinction of those branches of the manufacture in which foreign organzine is used, that it should be effectually reduced. We understand that silk is thrown, or converted into organzine, in Italy, for about 3s. 6d. per lib.; and it is quite visionary to imagine that our throwsters, possessed as they are of much better machinery than that used in Italy, should not be able to carry on

		Price.		Duty.		Revenue.
				Brought over,		32,453
Cochineal,	-	21s. 6d. per cwt.		2s. 6d. per cwt.		14,187
Madder,	-	95s.	—	12s.	—	52,515
Tallow,	-	12s.	—	3s. 4d.	—	122,032
Barilla,	-	21s.	—	8s. 6d.	—	15,153
						<hr/> 236,290
Soap—white,		86s.	—	28s.	} —	1,154,303
— mottled,		82s.	—	26s.		
— yellow,	-	71s.	—	28s.		
— soft,	-	49s.	—	21s.		
						<hr/> L 1,590,793

made business, with a protection equal to the whole cost of throwing in that country! If they cannot stand the competition of the Italians on this footing, then certainly the sooner our silk mills are annihilated the better. But there can be no doubt that, with a duty of 3s. 6d., they would be most completely protected: And supposing it to be fixed at this sum, and the duties on dye stuffs repealed, and those on soap effectually reduced, our silk manufacturers will have nothing to fear from the competition of the French.

If these things are resolutely done, a foundation will be laid for the indefinite improvement and extension of this great manufacture; and measures ought, at the same time, to be taken for gradually reducing the 30 per cent. *ad valorem* duty, and for placing the trade, at no very distant period, on that footing of free competition on which alone it can ultimately stand with security. On the other hand, we do not hesitate to state, that, if these things are *not* done, the silk manufacturers will have just reason to complain of rather harsh treatment; and in the event of the manufacture sustaining any very serious shock, an opportunity will be afforded of raising a clamour, and of misrepresenting and traducing the liberal policy on which Ministers are now acting. It is easy, however, to guard against any such contingency; and a just regard to the interests of all parties requires that it should be done. We are as much averse to restrictions as it is possible for any one to be; but while we are most anxious for their total abolition, we are also anxious that those who *have been* so protected should, when the protection is withdrawn, be relieved from all injurious restraints and disproportionate burdens, and placed in a situation fairly to meet their rivals.*

ART. V. *Narrative of a Journey into Khorasan, in the Years 1821 and 1822, including some Account of the Countries to the North-east of Persia; with Remarks upon the National Character, Government, and Resources of that Kingdom.* By JAMES B. FRASER, Author of 'A Tour in the Himala Mountains,' &c. London, Longman, Hurst, &c. 1825. 4to.

THE ardour of discovery which has guided so many navigators and travellers into the remotest parts of the earth,

* Since writing the above, we have heard that Ministers have resolved to reduce the duty on organzine to 5s. This is a most proper and judicious measure, though, for the reasons stated above, we cannot but think that the reduction should have been carried still further.

has now left but few portions of the habitable world unexplored. The burning sands of Africa, and the snowy mountains of Asia and America, have been alike traversed by the hardihood of European enterprise. Every year and almost every month has latterly added something to our geographical information, to our acquaintance with the manners of distant tribes, and to our knowledge of the structure of the earth itself which we inhabit. In this honourable career our own countrymen have held a distinguished place, favoured equally perhaps in different circumstances, by the extent of our commerce, and the wide range of our ambition. Yet diffusive as the progress of adventure has been, it may seem remarkable, that some of the countries which were earliest celebrated in history, and with which we were brought acquainted by the first writers whom the world produced, are still, in many respects, very imperfectly known to us.

When, in that number, we venture to include Persia, we may at first seem to indulge in paradox: but the truth is, that, after the innumerable volumes which have been written on that portion of the world, and though the relations of many of the travellers who have visited it, and especially of the faithful and intelligent Chardin, are as copious and minute as those we possess of any other country, our knowledge of the geography and situation of many parts of it is still miserably defective. Travellers, with hardly any exception, have kept the high road from Tabriz, or Tehran, by Istahan and Shiraz, to Bunder Abassi or Bushire, a few deviating towards Kirmanshah or Hamadan. *These tracts* have been described again and again, even to satiety; while the whole of the eastern half of Persia, and the rich countries north of it, from Mekran and Kerman on the south, to the great rivers Amu and Sirr on the north, and from Kom and Tehran on the west, to the confines of India on the east, have been left nearly untouched by European travellers. Mr Forster alone, on his route from Cashmere to Astrakhan, passed through Khorasan in one line of road, with but few opportunities of personal observation, and apparently not many of procuring extensive or accurate information. Jonas Hanway did not penetrate farther east than Astrabad; Jenkinson, in the time of Queen Elizabeth, and Thompson nearer our own days, from the north, reached only Khiva and Bokhara. Mr Browne was murdered before he had reached the territory where he thought his dangers were to commence. The extensive provinces of Khorasan, Balkh, and Khwarezm, to which we may add the fertile regions of Bokhara and Samarkand, north of the Oxus, have thus evaded the curiosity of modern observation, though laid open by the march and conquest of

the Greeks under Alexander the Great,—though, both in ancient times and in our middle ages, the seat of rich and extensive empires; and, we may add, the scene of many of those Arabian tales which have almost taken their place in our imagination along with the history and poetry of classical antiquity.

This deficiency was not however unobserved; and when the projected march of the troops of France against our possessions in India had turned the attention of Britain and her rival to the intervening countries, attempts were made by both these powers to remedy it. Many French officers crossed the country of Persia in various directions; but although several of them were certainly not devoid of talents, no very important results of their labours have been communicated to the public. On the part of our countrymen, the embassy of the Honourable Mr Elphinstone to Cabul, has been the means of laying open to the world the condition, civil, political and military, of the Afghans, and of the extensive and previously almost unknown districts over which their rule extends; as well as the geography of their mountainous and broken country. The important accessions to the geography of Asia, and to our knowledge of the different races of mankind, which we owe to that intelligent and most instructive traveller, have been fully noticed in a former Number.* Nearly at the same period, General Sir John Malcolm, deputed by the Supreme Government of British India on an embassy to the Persian Court, employed the talents of several enterprising officers in traversing the territory of Persia in every direction, with the view of acquiring a knowledge of its present geographical situation, and especially of ascertaining the possibility of carrying an European army by land across that country. Captain Grant travelled over Mekran and Kerman; Captain Pottinger worked his way through Ballouchistan, and thence onward to the west of Persia. His companion, Captain Christie, after leaving him, penetrated through Seistan to Herat in Khorasan; Captains Grant and Fotheringham, on whom devolved the task of surveying the route from Bagdad to Shuster, while in the prosecution of their purpose, were treacherously murdered by a lawless freebooter; while Captains Frederick and Macdonald Kinneir surveyed the western frontier towards Kermanshah and Hamadan, a tract soon after more exactly examined by General Malcolm himself. The result of these well concerted journeys, so creditable to those who planned and to those who executed them, appears in Sir John Malcolm's History of Persia, in Major Macdonald Kinneir's

Geographical Memoir of the Map of Persia, and in Captain Pottinger's Travels in Balloochistan.

In these works much satisfactory information may be found concerning the southern provinces of Persia, and the Turkish frontier on the west; but little was collected regarding Khorasan, though in all respects a most important province. 'It is much to be regretted,' says Major Macdonald Kinneir, 'that our knowledge of this great, and to us most important tract of territory, is shamefully deficient. The northern and eastern parts have not been visited by any European for a number of years, and therefore the trifling information I possess concerning their nature and resources has been received from different natives of Khorasan, whom I met at the Persian Court.'—'I have failed, he afterwards † adds, in every endeavour to gain such information as may be relied on, respecting the mountains of this province.' Pinkerton complains of a similar deficiency of authentic materials. Much, it is true, might have been collected from the Arabian and Persian, and from their copyists, the Turkish geographers; but except the geography of Ebn Haukal, the scanty extracts from Abulfeda, Nasireddin and Ulugh Beg, in the third volume of Hudson's Minor Greek Geographers, consisting chiefly of the latitudes and longitudes of places, and some further extracts from them in the notes to Otter's Travels, very little of what they had written has been published in Europe. The geographical notes of our illustrious poet Gray on Strabo, ‡ while they collect all that was known on this subject, show how little that all is. In a word, Khorasan and the celebrated kingdoms of Samarkand and Bokhara, remain to us among the provinces of Asia with which we are least acquainted.

It seems to have been a sense of this deficiency that urged Mr James Baillie Fraser, already known as a traveller among the Himala mountains, to attempt to penetrate into these remote and dangerous regions. With this view he left India in May 1821, and proceeded to Tehran, the present capital of Persia. The first part of the volume is occupied with the narrative of his progress to that city, by a route which has been often travelled and described. He therefore judiciously abstains from giving any farther account of the ruins of Persepolis, and of the other remains of antiquity which he visited while hastening forward to the capital.

* Geographical Memoir of the Persian Empire, p. 169.

† Ibid. p. 171.

‡ Gray's Works, Mathias's Ed. vol. 2.

While at Tehran he takes a view of the moral and political condition of the Persians, their population and military force, the resources of the country, the taxes, especially the land revenue, and enters into some curious and valuable details on the right of property in land, and the claims of the government on the cultivator. He is of opinion that the power and political importance of Persia have been much overrated.

‘ During the time I remained at Tehrūn, I endeavoured, as much as possible, to improve my knowledge of the character and resources of the country. I had for some time believed that the value of Persia in the scale of nations has been greatly overrated in public estimation, not only in modern, but in more remote times; and that her riches, her magnificence, her population, her fertility, even her power *individually* as a nation, and her general resources, have been estimated at an extent far beyond the truth. I was led to this opinion chiefly, by recollecting the ideas entertained regarding this country, by most persons with whom I had conversed on the subject, and the impressions I had myself imbibed from the perusal of works that treat of it; and it was largely confirmed by every observation I made during my travels.

‘ It appears not very difficult to account for these false impressions regarding Persia; which like all that are received of remote objects, are for the most part vague and indistinct. The East has at all times been described as the land of wealth, luxury, and magnificence. At a time when Europe was comparatively poor and rude, with little of commerce, or manufactures to boast of, it was from the East that all rich commodities were received; from thence came jewels, spices, and rare fabrics. The earliest travellers have borne testimony to the magnificence of Oriental sovereigns, sumptuously adorned with gold and gems, surrounded by their brilliant courts, and armed with absolute power. The Eastern tales that delighted our youth, describing scenes of wonder, voluptuousness, and inexhaustible riches in the florid and hyperbolical style of Asiatic authors, have added their influence, to throw over this quarter of the globe an illusion of magic and magnificence, that can hardly fail to envelope it for ever, unless dispelled by cold and accurate realities.

‘ It is also remarkable, that these impressions have been particularly applied to Persia, the country of all others, perhaps, in the East, if we except Arabia, and the wilder parts of Tartary, that can least realize them. They may be traced to the effects of our early classical reading, and the accounts given by various authors of Cyrus, Xerxes, Darius, and other Persian sovereigns, with their troops in myriads, blazing in purple and gold. The allusions, too, in holy writ, to the power and riches of the Median and Assyrian kings have greatly contributed to them. And they have been very much confirmed by the accounts given by those Europeans who visited the courts of the Saffavean Kings in the days of their splendour. Nor

has the spell been completely broken by more modern travellers: although no longer held up as a land of wonders, I cannot think that sufficient pains have been taken, in any modern account of Persia, to destroy the illusion that existed, and to impress the reader with the true and full extent of its desert state, its misery and weakness. It is in these works spoken of with more respect than it deserves, and the reader thus continues to assign to it an importance, which it was probably not the writer's intention to convey.

The cause of this may probably be traced to the situation in which most of these travellers have been placed. The majority of Europeans who have made their observations public, were either attached to missions of considerable importance and splendour, or passed rapidly through the country in returning to their own. In the first case, the circumstances attending the progress of any person of importance through the country, renders it difficult for those attached to his suite to view and estimate the true condition of it or its inhabitants; every difficulty is smoothed for such travellers, and all possible pains are taken to impress them with ideas of the most favourable nature, regarding the power and wealth of the sovereign, and the prosperity of his country. Its face and form may, indeed, be seen, but the dazzling bustle of meetings and departures, of visits and ceremonies, the presence of richly-dressed nobles, with their numerous attendants, are calculated to shut out all disagreeable impressions of poverty and misery, and to substitute for them those of population and riches. The mere passenger, on the other hand, who only traverses the country in his way to another, with little or no knowledge of the language, attended but by his own servants, and halting in his career only to visit spots of notorious celebrity, such a person may be qualified to give a diary of the journey, and to relate his own impressions; but he can hardly be deemed competent to convey just ideas of the country, or people at large. An estimate of the condition of any country, formed from descriptions of scenes in which kings, nobles, and rich men are almost the only actors, would be as fallacious as a judgment of the real state of England or France, founded on accounts of the transactions at Carleton House, or the Louvre.' pp. 158-161.

The aspect of the country is well and truly described. The west of Persia is a plateau or table-land, which he estimates to be 3500 feet above the level of the sea. On this table-land the mountainous ranges which divide the country arise to various heights.

The appearance of these mountains is almost every where bare, arid, and forbidding: in most parts they present to the eye, nothing but huge masses of grey rock, piled in strata on each other; or they start in a rugged ridge abruptly from the plain, which reaches their feet with no other undulation than that which has been occasioned by the washing down of detritus from their sides. In some places

they may be less denuded of soil, but this, being chiefly formed of weathering rock adds little to their beauty; they are enlivened by wood or shrubs. For about two months in the spring a scanty verdure tinges their brown sides with an emerald hue; but the heats of summer soon scorch it up, and the original colour is gradually resumed; not a taint remaining of that herbage which so rapidly sprung and withered. The appearance of the plains is for the most part not more promising; the largest proportion of them consists of gravel washed down from the mountains, or the accumulation of some former revolution of nature deposited in deep and extensive beds; or of a hard clay, which, without the advantage of water, natural or artificial, is barren and desert as the rest. The livery of the whole land is constantly brown or grey, except during the two months of April and May.

Water renders these plains in many places fertile, but water is the most scanty boon of nature in Persia; its rivers are small and few; and rivulets, by no means common, can only be applied to a very limited quantity of cultivation. In the best districts, the small proportion of cultivated land resembles an Oasis in the desert, serving, by contrast, to make all around it more dreary. Plains and mountains are equally destitute of wood. The only trees to be seen are in the gardens of villages, or on the banks of streams where they are planted for the purpose of affording the little timber used in building. They chiefly consist of fruit-trees, the noble chinar or oriental plane, the tall poplar, and the cypress; and the effect which a garden of these trees produces, spotting with its dark green the grey and dusty plain, is rather melancholy than cheering. In picturing, therefore, to the imagination, the aspect of a Persian landscape, or, indeed, of a landscape in any of the contiguous countries to the north and east of it, the mind must endeavour to divest itself of every image that gives beauty or interest to an European scene:—there are no beautiful or majestic woods, no verdant plains or grassy mountains, no winding rivers or babbling streams, no parks or inclosures, no castles or gentlemen's seats, no sweet retired cottages, with their white walls glimmering through foliage; nothing, in short, that speaks of peace, security, or comfort; every thing, on the contrary, declares, that man dreads his fellows, that he lives but for himself and for the day, neither caring nor providing for posterity: that he is uncultivated, abject, and debased.

When the traveller, after toiling over the rocky mountains that separate the plains, looks down from the pass he has won with toll and difficulty upon the country below, his eye wanders unchecked and unrested over an uniform brown expanse, losing itself in distance, or bounded by blue mountains resembling those he has laboured to cross. Should cultivation exist within his ken, it can hardly be distinguished from the plain on which it is sprinkled, except in the months of spring. Is there a town or villages upon this plain, all that can be seen of them is a line or spot upon its surface, chiefly

remarkable from the gardens which usually surround them, and but otherwise to be distinguished from the ruins, which are generally in far greater abundance than the abodes of man. Such is the scene which, day after day, and march after march, presents itself to the traveller in Persia.

The extensive deserts that occur in several parts of the empire form objects certainly striking; yet so dreary is the general aspect of the country, that it is only when the traveller skirts them closely, or crosses over them, that their difference from it is much remarked. Then, indeed, the saline efflorescence glistening and baking in the rays of a fierce sun, extending into immense space, with here and there a mass of black rock protruding from its surface, its image contorted by the effect of refraction into a thousand wild and varying shapes, tells impressively the total desolation that reigns there.

The provinces of Mazunderān and Gheelān on the banks of the Caspian, with the district of Astrabad and Goorgaun, and parts of Azerbijān and Armenia, form exceptions to the above description; the former three districts are as beautiful as wood, water, and mountain, in their most varied forms, can make them; the forests are magnificent, and, for the greatest part of the year, a luxuriant verdure delights the eye. The latter are not so beautiful; but in many parts are rich and fertile; and neither devoid of verdure or wood; but the more finely wooded parts of Armenia, those at least which fell under my observation, are now in the hands of the Russians.

His description of the cities is not more favourable.

Viewed from a commanding situation, the appearance of a Persian town is most uninteresting: the houses, all of mud, differ in no respect from the earth in colour, and, from the irregularity of their construction, resemble inequalities on its surface, rather than human dwellings. The houses, even of the great, seldom exceed one story; and the lofty walls which shroud them from view, without a window to enliven them, have a most monotonous effect. There are few domes or minarets, and still fewer of those that exist are either splendid or elegant. There are no public buildings but the mosques and medressas; and these are often as mean as the rest, or perfectly excluded from view by ruins. The general *coup d'œil* presents a succession of flat roofs, and long walls of mud, thickly interspersed with ruins; and the only relief to its monotony is found in the gardens, adorned with ehinār, poplars, and cypress, with which the towns and villages are often surrounded and intermingled.' p. 168.

The demoralization and misery of the inhabitants is delineated at some length; and the picture is interesting, as it exhibits the final condition to which all despotic governments naturally tend.

The bulk of the Persian people may be divided into four distinct classes: 1st, those who are attached to the various courts, and live in service with great men, including the military, and various

1st, those who live in towns, comprehending merchants, shopkeepers, mechanics, &c. ; 2d, those engaged in agriculture ; and 3d, the wandering tribes or Eels.

That the first mentioned class should be found void of virtue or principle is by no means to be wondered at. The character of the government to which they are attached, despotic, insolent and treacherous, naturally forms that of its servants. The nobles and superior officers of court, subjected absolutely to the caprice of a tyrant who can neither endure opposition nor disappointment, though they may continue cringing and abject to him, become in their turn, cruel, haughty, and imperious to their inferiors ; and these again are delighted, when they can exercise the same petty tyranny, upon such as may be unhappily subjected to their power. The greatest noble in Persia is never for a moment secure either in his person or property ; if a fit of rage, jealousy, or avarice, of which he is the object, happens to seize his sovereign, a word, a look, from the despot subjects him to the cruellest insults ; he may be beat, maimed, disgraced like the lowest groom ; his person violated in a way degrading to humanity, his wives and daughters delivered to the lust of muleteers, and the little family honour a Persian can possess may be scattered to the winds, without the unhappy sufferer having the least hope of remedy ; without even the event creating the least sensation ; it is the shah's pleasure ; and if he be firm on his seat, the lives and properties of his subjects are less than the dust beneath his feet.

How can any feeling of patriotism, any sentiments of attachment to the sovereign, or government, exist under such circumstances ? or how can that monarch expect to be faithfully served, whose servants, instead of meeting with reward for their fidelity, may be disgraced or destroyed in a moment of spleen or anger ? The consequences are easily foreseen ; the favour which they enjoy, and which is their only guarantee for life and property, they strive to preserve by flattery and fawning ; while their whole souls are bent on deceiving, or pillaging, and, if they can with safety and advantage, on betraying their tyrant. Such is the natural effect of this wretched system, and it may be traced through all ranks of the same class, down to the lowest menial ; they are with few exceptions arrogant and overbearing, unprincipled, treacherous and abandoned in the greatest degree ; they stand, indeed, continually on the brink of a dangerous precipice, and would be to be pitied, were it not that the barefaced and hardened character of their vice changes that milder feeling into contempt and detestation.

The class of merchants, shopkeepers, and mechanics, are less constantly exposed than others to the tyranny of their superiors ; their habits are more industrious, their time more fully occupied ; and although much cannot be said in praise of their morals, they are far from being so actively vicious, as those of whom we have spoken above. They are possessed of much low cunning, strongly disposed to deceit and falsehood, eager after gain, cautious and penurious ;

all natural consequences of the circumstances in which they are placed; for they are liable to heavy exactions, from which they cannot defend themselves, and often suffer extensively by those attached to the court, who contract debts they have no means of paying, so that they are forced in self-defence to disingenuous practices.

When the habits of the Eels are considered, an estimate of their character and nature may be readily formed. Constantly changing place, their local attachments are weak; rude, wild, and subjected to none but patriarchal authority, they are intolerant of restraint: unlettered by moral restrictions, always more or less at variance with neighbouring tribes, committing mutual depredations, they are addicted to plunder and robbery without deeming them crimes. They are little affected by the despotism of their sovereign, or his satellites: and consequently rude and independent beyond all other classes of society; good stuff for soldiers, but very impatient of discipline.

There is no class of men whose situation presents a more melancholy picture of oppression and tyranny, than the farmers and cultivators of the ground in Persia. They live continually under a system of extortion and injustice, from which they have no means of escape; and which is the more distressing, because it is indefinite, both in form and extent, for no man can tell when, how, or to what amount, demands upon him may, without warning, be made. It is upon the farmers and peasantry that the whole extortion practised in the country finally alights. The king wrings from his ministers and governors; they must procure the sums required from the heads of districts; who in their turn demand it from the zabuts, or ket-khodahs of villages; and these must at last squeeze it from the ryots; each of these intermediate agents must also have his profits, so that the sum received by the king bears small proportion to that which is paid by the ryots. Every tax, every present, every fine, every bribe, from whomsoever received, or demanded in the first instance, ultimately falls on them; and such is the character of their rulers, that the only limit to these demands, is the power to extort on the one hand, and the ability to give or to retain on the other.

This pernicious system, originating in the oppression and injustice of their superiors, has produced the worst moral effect on the Persian peasantry. They are devoid of truth and all its attributes, candour, frankness, and honesty. They are treacherous and deceitful, deficient in gratitude, and all the more amiable dispositions of the mind. To protect themselves from extortion, they resort to fraud and untruths. Unchecked by any principle inculcated in youth, nay, encouraged by the example of their superiors, they possess themselves unscrupulously of the property of others. They are, perhaps, not naturally cruel, but the little value set upon human life, and the acts of cruelty so frequently committed before their eyes by their rulers, have familiarized them with bloodshed. They are too apt to draw the knife on slight occasions; and were it

not for the fear of consequences, their frays would often be fatal. The valuable qualities of the Persian peasantry are confined, it is to be feared, to their activity and intelligence, and these they certainly possess. In some situations, where they are further removed from the malign influence and tyranny of their rulers, they are said to possess more independence and blunt honesty; and this I hope and believe to be the case, although I am little able to confirm it on the strength of experience.'

These are heavy charges; but it seems difficult to deny that the condition of Persia is worse at this moment than it was when the first light of history shone upon it. The fact is the more remarkable, and ought to be the more instructive, as its inhabitants are certainly an acute and ingenious people, who at different periods of history have acted a remarkable part, have pushed forward in the career of improvement, and brought the arts and sciences, and the studies of philosophy and literature, to a high degree of perfection among them. But they seem never to have had *any political institutions*; they have always been the subjects of an unmixed Despotism; the advances made in one reign, or under one dynasty, are regularly lost under the next. There is nothing secure or permanent. They are cursed with a religion that inculcates intolerance, and favours ignorance; and were it not for some elegant and useful authors, whose works continue to be read under every change of government, but whose speculations have never supposed the possibility of restraining the tyranny of the head of the state, or of introducing any thing like political law or a constitution, independent of the will of the monarch, the whole nation would probably, at this day, have been in a state of the most degrading barbarism. The mere fact that the literature of the Persians contains such names as those of Ferdousi, Nizami, Sadi, Hafez, Jami, and Mirkhond, without mentioning their writers on law and theology, who often exert all the powers of an acute metaphysical analysis, is sufficient proof that a high degree of culture had been bestowed on the human mind in their country in distant ages: while the melancholy fact, that most of their great writers have been the delight of their countrymen for centuries, some of them for more than eight hundred years, a longer period than any popular author in any language of modern Europe has kept his place, or indeed than any of its languages has flourished, seems equally to prove how vain and inefficient mere science and literature are, permanently to better the condition of the human race, while their effects are unsupported by fixed political institutions which admit those who suffer from the mismanagement of

government to some controul or influence over its operations. A gloomy tyrant, or still more, a contested succession has at different periods been sufficient to blight the finest fruits of a long period of peace and improvement, and to leave the slow progress of national prosperity to be commenced anew.

Mr Fraser, on leaving Tehran, advanced eastward towards a tract of country which has been but little traversed by Europeans. He entered Khorasan by the narrow slip of inhabited country that lies between the mountains of Elburz on the left, and the great salt desert on the right. In this course his route coincided with the march of Alexander in pursuit of Darius. Passing the celebrated Caspian Pylæ, the modern pass of Sirdara, to the east of which Darius was murdered, he advanced by Semnoon, Damghan, Bostan, and Subzawar to the city of Nishapore, when he turned aside to visit the great Turquoise mines in the neighbouring mountains. Of these he communicates many interesting particulars; but the whole account may convince us how little use a Persian is allowed to make of the local advantages he possesses. He next succeeded, after numerous delays and difficulties, in reaching the holy city of Meshed, the capital of Persian Khorasan. Here he remained for about six weeks in hopes of being able to join a caravan for Bokhara; but being disappointed in all his views, from the miserably distracted state of the country, and the inroads of the Turkomans, which rendered travelling most alarmingly dangerous, he was forced to abandon that part of his plan. We think that he was here guilty of some mistakes which very essentially affected his success. He seems originally, perhaps from his habits of Indian travelling, to have encumbered himself with too much baggage: he ought most decidedly and at once to have put an end to every idea of his being, however remotely, connected with the British government; an idea which, independent of every other consideration, was likely to impede his progress by exciting a thousand suspicions; and to these we must add the capital error of suffering himself to be prevailed upon to repeat the Mahometan creed—in itself a very questionable act, and one which was likely to be not merely useless, but even singularly dangerous unless followed up by farther concessions.

Disappointed in his hopes of visiting the far-famed region of Samarkand, he was unwillingly compelled to turn to the northwest towards Astrabad, by the route of Kabooshan, Bijnoord, and the plains of Goorgan, partly through a magnificent country, probably the Hyrcania of antiquity. This was the whole range of his personal observation; but as he possessed the rare advantage of carrying with him astronomical instruments of a superior de-

scription, and was assiduous in making and recording observations when circumstances allowed, he has been enabled to lay down this whole tract with great apparent accuracy. The value of his observations may be judged of from the important changes in his map. 'Tehran,' he remarks, 'has been moved thirty miles more to the eastward, Semnoon and Damghan still farther; and in the situation of Nishapore and Mushed, an alteration of nearly two and three degrees, respectively, was found necessary in longitude; and in latitude, the latter was wrong a whole degree.' p. xi. But beside this, his residence at the different towns through which he passed in the course of his journey afforded large opportunities, of which he appears industriously to have availed himself, of collecting information regarding the geographical situation of the neighbouring countries which he did not visit, and the manners of the inhabitants, particularly the Turkoman and Coordish tribes, with whom indeed he came into close contact, and his account of whose situation and mode of life forms one of the most agreeable portions of the volume. We have not leisure to follow him in his description of the several states into which the country is broken, nor to detail the improvements which he has made on the geography of Khorasan; but we would recommend the Appendix on that subject, as well as those on Khyva and Maweralnahr to the attention of the geographer and future traveller, as containing much that is new, and a great deal that will assist their inquiries, and facilitate any farther attempts to explore these countries. In some particulars we should be disposed to differ from him; but he has the merit of having collected a greater stock of materials on his province than is to be found in the works of any of his predecessors; and the country included in the circuit which he travelled, which in length is about eight degrees of longitude, may be considered as in some degree laid down by him in its most essential features, from actual observation. This is a distinction of which Mr Fraser, modest as he evidently is, may justly be proud.

But though we cannot enter into the geographical inquiries to which this volume would lead, we are unwilling to dismiss it without bestowing a few words on some circumstances connected with the state of society in the unhappy country to which it relates. Since the Afghan invasion in the time of Nadir Shah, Khorasan has been a continued scene of war, turbulence, and robbery. The eastern half of the province has remained in the power of the Afghans, while the force of Persia, itself generally in a state of distraction and civil war, has not been sufficient to reduce to subjection the various chiefs in the south and north, who

claimed a predatory independence. The form of the country indeed is sufficiently favourable to such pretensions; being intersected by deserts and mountainous tracts, over which it is difficult to conduct an army. The Eels or wandering tribes, who form nearly one-half of the population of Persia, roam over its extensive plains; and the Turkomans, from the shores of the Caspian and the banks of the Oxus, have long carried their destructive ravages, not only over the grounds immediately adjoining to them, but through the heart of the country, over its ranges of hills, and past its great towns, nearly to the very gates of Isfahan, Cashan, Kom, and the other cities of Persian Irak, west of the great salt desert, and many hundred miles from the range of their own flocks. The desolation and want of security occasioned by their ravages can hardly be conceived. In some extensive tracts, the whole open country has been swept, the wretched inhabitants having been put to death or carried off as slaves. The consequence is, that numerous small villages and towns have been abandoned, as well as all cultivation not under the immediate protection of walled towns. The husbandman goes out to his labour, with his mitchlock in his hand. All intercourse between town and town is conducted timidly, at intervals, and only as armed caravans can be collected strong enough to resist the bands of robbers. Even these, however, are often attacked, and the merchants and travellers composing them not only plundered, but carried into slavery, or murdered. This state of things has given rise to an extensive Slave Trade, known perhaps to few of our readers, of which Mr Fraser furnishes some curious details. He remarks, that the tribes which range the deserts of Asia 'differ widely in their habits and dispositions, according to the circumstances in which they are placed, and the nature of the influence to which they are most exposed. In some parts they are purely pastoral, mild, hospitable, fond of and kind to strangers; in others they are shy and reserved, shunning all foreign intercourse; in others again savage, ferocious, predatory, and bloodthirsty.

'It is a remarkable circumstance, that the greater number of those who belong to the latter description are to be found in the countries which border upon Khorasan. We find to the north, the Gocklan, the Yamoot, and Tuckeh Toorkomans, who occupying the country behind the Elburz, and in the steppe of Khaurezm, pour from their deserts upon the cultivated countries around; plundering villages and caravans, committing every sort of atrocious outrage, murdering on the spot the old, the feeble, and the helpless; carrying into slavery all who are fit for labour, and thus depopulating many extensive districts, ~~which~~ but for them, would have continued fertile and well inhabited. On the east, the Timoorees, Hazarchs, Fcerozecooees, and Junsheedecs, commit the same ravages; dis-

posing of their captives to those who frequent the slave markets of Khyvāh and Bokhara: and on the south and east are found the wild Ballooches, who not only plunder and murder, but, as I have been assured, have of late found out the value of prisoners; and who have encouraged the slave merchants that frequent the great northern markets, to come and purchase their captives. Even the Affghaun, not naturally cruel, assumes in this ominous neighbourhood a fiercer character, and adds to robbery and plunder the crime of murder.' p. 256.

This effect he justly ascribes to the unsettled state of the government of Khorasan, and its inability to afford security to its subjects. In other passages, he furnishes farther particulars, illustrative of this barbarous trade. The remarkable similarity in the mode of seizing and carrying off the victims of this traffic in Africa and in Persia will forcibly strike the reader. We wish the subsequent conduct of the barbarous Turkoman and polished European were more favourably contrasted. But man has nowhere stifled the feelings of nature so successfully as in free America, and in the slave colonies of Christian Europe.

' They lie in wait near the gates of the village (if such be their object), and wait in perfect silence until morning dawns, and the unsuspecting inhabitants come forth from gates, to labour, to drive their cattle afield, or for other purposes; when they start from their lurking place, seize all they can catch, murder those who resist, rapidly plunder the village, and linding their booty upon such cattle as they may have secured, hastily retreat before the neighbourhood have caught the alarm. If their object be a caravan, they conceal themselves in some hollow near its course, having scouts stationed unseen, but watchful of its movements, upon all the heights around, and when it has reached the ambuscade, they dart upon it with a force and rapidity that defies resistance or escape, bear down all opposition, and bind as prisoners all whom they lay hands upon. Then begins the work of plunder and often of blood; the old and unfit for work are massacred, the cattle unlikely to be of use in their retreat, or unable to keep up with them, are disabled, or cut to pieces: such goods as may be thought worth the carriage are laden upon the rest, and they commence a rapid return to their fastnesses. The prisoners, with their arms tied behind their backs, are fastened by ropes to the horses of the Toorkomans who have them in charge, and who, if they do not willingly move fast enough, drive them on, with blows of their heavy whips, to increase their speed. Whatever may be the state of the weather, they are stript to the drawers; even shoes are seldom left them; they are never accommodated with a horse unless pursuit renders it necessary for their captors to quicken their rate of travelling beyond what it may be possible for those on foot to keep up with; then every man whose horse can bear it takes up a captive behind him, and away they scour. If there are any whom they cannot thus assist, or if they doubt the power of their cattle

to proceed sufficiently fast with the double burthen, they put the prisoners to death on the spot, and continue their flight unencumbered.

‘ Long established custom has made the trade in captives a regular branch of commerce in these parts; and there are many merchants, both at Khyvah and Boekhara, who do little else than travel twice a year through the country of the Toorkomans, to purchase up such of their unfortunate prisoners as they believe are likely to pay for their ransom, and even those from which no such hope is entertained; the former they carry to such places as they themselves indicate as their home, and where they agree to pay the stipulated ransom; or leaving the captives themselves at Boekhara or Khyvah, they take letters from them to their friends, and on being satisfied regarding the money, they send and order their release. The latter are purchased merely on speculation, to resell at the slave markets of these towns.

‘ The condition of these captives, however, is not miserable as might be supposed, from the severity of their initiation into slavery; it is true that those who cannot afford to purchase their ransom, continue for ever the property of their owners; and that many are employed in the harder duties of agriculture, and forced to labour in the field like the peasantry of other countries; but they are not (we are assured), wantonly ill-used, or even severely tasked; they are not beaten, they have a sufficiency of food and clothing, and for the most part, fully more security of life and limb than they enjoy in their own country. Those who are retained in the cities as servants of the inhabitants, are in general very well off; their masters are for the most part kind to them; and, if they prove useful and willing, show greater favour to them, than to the natives. So mild, indeed, is the servitude to which they are subjected, that I have been assured that the most of those who are clever and industrious, find means, by carrying on a petty trade, to raise enough of money for their own ransom in the course of from ten to twenty years; and to this they are rather encouraged by their masters, who find it, perhaps, more useful to have around them thriving and grateful dependents, than mere menial labouring servants.

‘ Those who become servants to farmers, after a while obtain permission to cultivate for themselves some small patch of land, on which they rear melons or other fruits for sale; and they also are enabled in time to gather together the amount of their original purchase money, which they carry and lay before their master, demanding their liberty, and we are informed that this is seldom refused; on the contrary, when a captive has given satisfaction to his master, a portion of the ransom is sometimes forgiven him. The master then gives him a paper declaring the bearer to have purchased his freedom, and this is always respected; nor can the freed captive again be made a slave, unless in travelling he become subjected to a second capture.

‘ That the life of prisoners thus situated is not very miserable,

and that persons who conduct themselves with discretion and industry generally thrive, and become not only reconciled to, but fond of the country, is sufficiently proved by the number of those, who having in the manner related, purchased their liberty, continue to reside in the country. In ten or fifteen years they have made new acquaintances, acquired new habits, and probably entered into new connections, both of blood and of trade, from either of which it would be difficult to detach themselves; and a Persian has in general so little to attach him to his own country, that it is by no means strange they should prefer remaining in one which they have found kind and propitious, to returning to a dubious welcome, in a land where the nobles live but to oppress the poor, and fatten on their substance. It is proper to observe here, that the most favourable accounts I received, relative to the condition of these captives, were from persons connected with Bokhara, to which they principally refer; but even at Khyvah, which is far behind the former place in point of general civilization, it is certain that their treatment is on the whole mild and humane.' pp. 271-278.

Though many curious anecdotes are given, in the course of the narrative, of this slave trade, the most surprising circumstance attending it, is the extent to which this system of man-stealing has been allowed to be carried, even in the dominions, and against the subjects of Russia. It appears to have excited the attention of the Empress Catherine, not long before her death; and will probably serve, one day, as the pretext for the occupation of Khyva or Bokhara, an event which does not appear to be far distant.

'On the other side, the Kirgeesh and Kuzaks make prisoners of the Russians upon their own frontiers, or while journeying in caravans to Orenburgh, Bokhara, or even to Khyvah itself, and carry them for sale to that city. Various are the accounts related of the numbers thus detained in captivity: many respectable persons told me, that the number of Persian slaves in Khyvah and its dependencies, exceed that of its grown up male population, and was generally estimated at from one hundred and fifty to two hundred thousand souls. Of Russian captives, they assured me, that there were from twelve to fifteen thousand. No house, they said, was without many slaves; from twelve to fifteen was a common number. They form the bulk of the labouring class, cultivating the greatest part of the ground, and in the town they swarm. The severe punishments inflicted on such as are restive, the awe in which they are kept by the armed men that surround them, they themselves being unarmed, and the recollection of the immense and desert steppes, traversed by hostile tribes which intervene between them and their home, and, finally, the want of a chief to effect a co-operation among them; these considerations alone suffice to prevent them from attempting to regain their freedom, and returning to their native land.'—*App.* pp. 71, 72.

The late mission of M. Moravief is said to have had for one of its objects to prevent the sale of Russian slaves in the market of Khyva.

But whatever may have been the alleged motive of that mission, no one who has attended to the late operations of the Russians, and their repeated missions to Khyva, Kokan and Bokhara—no one, at least, who is not an utter stranger to the character of Russian policy and ambition, which, under every change of rulers, has gone on as uniformly, and nearly as successfully, in the career of conquest, as did Rome under its senate and consuls, can for a moment doubt, that the occupation of some part of the country on the Oxus is a favourite object of the Court of St Petersburg. The acquisition of Khwarizm, and still more of Bokhara and Samarkand, would of itself be a splendid achievement. These countries are admirably situated for engrossing the central commerce of Asia. They abound in fertile plains, which admit of being profusely irrigated, and which, in past ages, were among the richest and most productive in the world. They possess a direct communication with Persia, India and China, the richest countries in Asia. They have noble rivers, and, in the era of their prosperity, were covered with canals, not only for irrigation but for commerce. The conquest that has been repeatedly achieved by Tartar hordes, is surely not beyond the power of the Russian empire, now infinitely more powerful than any which ever existed in Asia, while the moral and physical strength of the countries that would be opposed to it are far less than they were ages ago.

Were the progress of the Russians to stop here, much would have been gained—more, perhaps, than has ever yet been gained by any Russian conquest, the deplorable one of Poland excepted, the effects of which will be rued long hence by our posterity. But this is only one step in the progress of their ambition. The plan which, according to the anecdotes related by Bonaparte in his captivity, he had concerted with Alexander for the march against British India, does not seem wilder now, than did the expedition against Egypt at the time it was undertaken. Whatever may be the views of the government, all Russian officers speak of the attack of British India as an ultimate object of its policy; and if the alarm we felt at the proposed attempt of the French on our eastern possessions was then a just one, we should have tenfold deeper grounds of apprehension from any similar design of the Russians. If they act wisely, they will not set foot in Persia. Their line of march is different, and far more formidable. Bokhara, or Samarkand, from which they are only separated

by a desert and by Tartar hordes, would naturally be their *place of arms*. The country between the Oxus and Iaxartes is at present connected with no great power, but is divided among a number of petty princes, whose division constitutes their weakness, and would secure their reduction. Under almost any European government, and Russia is certainly one of the worst, Bokhara, if left to itself, and not miserably mismanaged, could hardly fail to become rich and populous, which is its natural condition. It would soon be able, therefore, not merely to support its own army, but to become the granary of an army in advance. The Afghans alone lie between it and India. If the Russians are in earnest, their territory may be traversed either by treaty or by force; for we cannot forget that of the repeated conquests of India, those of Alexander, of Genghis Khan, of Tamerlane, and of Baber, were made by princes who crossed the Oxus at Balkh, and the Paropamisian hills between that city and Cabul; and that all of them crossed the Afghan country in spite of the opposition of the inhabitants. For effecting such a passage, the Cossacs and Russian light troops are admirably adapted, as well as for foraging in such an expedition. By such troops, without any aid from our regular commissariats, the passage has been effected again and again, and that against the very enemy that now occupies the defiles. What other nations could attempt only by a violent and extraordinary effort, Russia, in the supposed circumstances, might undertake with little more effort than she employs in sending her hordes to any other campaign. We therefore see no impossibility in the Russian march from Samarkand to the Panjab.

What would be the result of the contest of two great European nations in India, we do not stop to inquire. Our countrymen would certainly possess great advantages;—a regular and a fresh army, excellent troops and good officers, a superior park of artillery, a well organized and powerful commissariat, a perfect knowledge of the country, and *perhaps* a friendly population. We only affirm that India has again and again been entered from the side of Samarkand; and that an able enemy, like the Russians, in that country, with power to wait years to recruit their fatigue, to consolidate their power, and, without hurry, to seize the favourable moment for gratifying their ambition, as they have done in the Crim, in Georgia, Armenia, and wherever their crafty policy has led them, would expose us to far greater danger than has ever yet threatened our Indian empire—danger infinitely more imminent than could proceed from any force, however great, that had to cross Turkey, or Persia, or Arabia. That they would have to pursue a route subject to many difficulties and hazards, and that

the total destruction of their army is among the chances of such an enterprise, is not to be denied. But such is the case in every hazardous attempt; and in war, all great, and especially distant expeditions, must be hazardous. Still, however, it appears to us, that if any European power can successfully attempt the invasion of India by land, that power is Russia, whenever she can set out from the valley of Soghd, as a part of her own territory, and advance from, or retire upon it, as the exigencies of war may require: And it need excite little wonder if the State which has conquered the whole north of Asia, with the Caucasian provinces and Georgia, and effected the still more difficult and important conquests of the Ukraine, Crim-Tartary, Finland, Lithuania, Poland, and her other territories on the Baltic, should stretch her sceptre over the semi-barbarous tribes along the Amu and the Sirr, where no civilized foe can oppose her, and to which her measures for many years past have been evidently tending. Turkey has long been protected only by the jarring interests of European States. The Uzbek princes on the Oxus have not a single State allied or friendly to them, beyond the limits of their own territory! nor a neighbour, except the wandering tribes of Tartary, to whom the event would give any concern. In Europe it would hardly be known, except by a few paragraphs in the Court Gazette of St Petersburg. But the position which we have alluded to, if fairly occupied, would in the course of years give the Russians as complete a command of the weak and ignorant potentates of the south of Asia, as they now have of the wretched tribes of the north.

We are rather glad to remark, that Mr Fraser has relied upon himself, instead of resorting to the assistance of a professed book-maker. We conclude this to be the case, from the occasional inaccuracy of the style, and from some superfluity of details, especially in the personal narrative. But, on the other hand, his reliance on himself has preserved a great deal of minute information which it must have cost him much labour to acquire, and the full value of which none but a traveller in the same country can justly appreciate.* But however that may be, Mr Fraser, by his intelligence and enterprise, has made valuable additions to our knowledge of Persia, and gained a right to rank as the very first to whom we owe a distinct view of any considerable part of Persian Khorasan.

* Mr Fraser supposes that Mr Shawe, who lately ventured into Khorasan, had fallen a victim to the attempt. But we are happy to inform him, that Mr S. succeeded in reaching the Persian Gulf, whence he proceeded to India, where he now is.

ART. VI. *Lays of the Minnesingers or German Troubadours of the Twelfth and Thirteenth Centuries: Illustrated by Specimens of the Cotemporary Lyric Poetry of Provence and other Parts of Europe: With Historical and Critical Notices, and Engravings from the MS. of the Minnesingers in the King's Library at Paris, and from other Sources.* Longman & Co. London, 1825.

It is not very long since the manners, the literature, and social character of the middle ages, were almost as little known as those of the antediluvians. Of late, however, they have become so popular a branch of study, that many an ordinary reader is now much better acquainted with the customs, arts, and traditions of the age of chivalry, than many of the learned of former times. That portion of history which we had been taught to pass over as a gulf of darkness and gloom—a long night of ignorance and torpor, more careful inquiries have discovered to have been irradiated with luminaries now extinct, and animated by beings rejoicing in the sunshine with feelings more lively than our own! And he who adventures with proper preparation into that ancient field, may be said to verify what was merely fabled of its heroes—to restore to the light imprisoned damsels and degraded knights, and to diminish the number of monsters on the earth.

On the Continent, from about the middle of the last century, the Germans have distinguished themselves in this branch of study—pursuing their inquiries with the proverbial industry and indefatigable zeal of their country. To the venerable Bodmer, the father of their modern national poetry, the friend and literary counsellor of Klopstock and Wieland, his countrymen are indebted, both for their introduction to English literature, and for the revival of a taste for their own ancient classics. As a poet, Bodmer was at least equal to his immediate predecessors, though inferior to those who succeeded him, and whose minds he contributed to form. He had a feeling and anticipation of the coming on of a better day for his country, without being able to realize it, and is more honoured as the source of excellence in others, than for any which belonged to himself. His Swiss blood, however, refused to creep in the measured paces of French tameness, which was the object of exclusive admiration among his cotemporaries; he sought accordingly, and found productions with which his genius could better sympathize; and, as the best fruits of his labour, gave to his country the first translation of Milton, and published from the Manesse manuscript

that collection of its ancient lyric poetry, which the work before us introduces for the first time to the English reader. The influence of these exertions, aided it is true by other causes, was as great as it was unexpected. The prejudices which ages had accumulated, and which the most respected literary names had sanctioned, disappeared like the mists of morning; the mind of the nation was, as it were, born anew; and within the space of half a century, another literature was begun and matured, rich in all departments, and exhibiting the highest excellence in many. No similar instance of intellectual development exists, either in ancient or modern times; and the enthusiasm with which it was hailed, can only be compared to the overflowing of an old affection when it again fills the deserted channels of the heart—or to the glad burst of patriotic feeling which rises, when, after ages of foreign bondage, a people comes, like the Israelites of old, to revisit the land of their fathers.

We make these remarks at present, as furnishing a practical refutation of an error which we suspect still prevails among many, as to the old literature of modern Europe. There is an idea, that whatever charm this may have for the professional antiquary in its original form, it offers but little to the general reader; that though the historian and novelist may borrow from its quaint authors some curious notices, or original hints for description, it cannot in any other way interest an age so much farther advanced in intellectual attainments. Now, this we conceive to be a great mistake. We do not deny that antiquated words and obscure allusions may require some time and toil to be understood, but not the fiftieth part of what is so readily lavished on the minutest points which relate to classical antiquity, many of them not more interesting in themselves, and none of them holding so close a relation to our own habits, feelings and institutions. Though defective in art and method, those writings frequently exhibit a reach of imagination, a delicacy of sentiment, and simplicity of feeling, which must gratify every mind that is alive to the charms of unsophisticated nature. To all, and at every time, such works may constitute, if not a peculiar pursuit, at least a pleasing variety amid other studies. But, when society advances to refinement, and luxury tends to render the taste as well as the character effeminate; when, instead of that manly simplicity which lies in the thought, a sickly delicacy of expression is chiefly studied and admired—it is especially useful to recur to the hale vigour and unadulterated sentiments of a more active age, and to borrow again from our ancestors the qualities which we have lost in the pursuit of exotic improvements.

Whatever advantages the study of the Greek and Roman authors may confer, it is by no means so sure a preservative against the decay of that excellence which is peculiar and national. There are instances enough of the successful cultivation of classical learning in countries, where the vernacular language was neglected and deteriorated, and all original talent checked or perverted. Even in Italy, covered as it is with monuments of classical glory, and speaking to this hour but a softer dialect of ancient Rome, the men of greatest genius were not those who made Homer and Virgil the objects of their imitation, or copied most exactly the character of their composition. It is true that Dante has taken some of his machinery from those ancient poets; but the charm and character of the 'Divina Comedia' is neither Latin nor Greek; Petrarch wrote a forgotten epic in rivalry of Virgil; but we remember and read him only as the author of the 'Sonetti e Canzoni.' The style and grace of Boccaccio are entirely and emphatically modern; and it is a fact which ought never to be forgotten, that for more than a century afterwards, during which classical learning was cultivated with unwearied assiduity, the Italian language relapsed into barbarity, and not one original author of permanent reputation arose.

In Germany, at a later period indeed, but before the reformation, the same studies were prosecuted with equal ardour and success; but neither the talent nor taste which Renchlin and Ubrich von Hutten displayed in their compositions, could make any deep impression on the minds of their countrymen. A Latin comedy of the former was honoured indeed with a representation before the Bishop of Worms; the 'Literar obscurorum virorum' successfully ridiculed the ignorance and pretension of the Catholic clergy; and the writings of Luther undermined the foundations of the Romish see: But the national literature was not reformed, but left to the discretion of the guilds of the *Mastersingers*, while Hans Sachs enjoyed the renown and the influence which had been refused to the imitators of Terence and Horace. France indeed, in so far as we can recollect, is the only country where men of genius have continued to regard the ancient classics as models for imitation; and certainly the literature which they have formed does not lead us to regret that we have not followed their example. In the last century we were approximating considerably towards the same character. The polish of Addison and Pope did much to facilitate our descent, and the criticism of Johnson tended, on the whole, to increase the momentum. Nor would it be very easy to say with precision what it

was which arrested this downward flight. In literary as in political changes, the determining causes are generally neither few nor simple; and to the revolution in taste which has now taken place, many circumstances doubtless contributed—the most powerful perhaps being, the revival of a more general relish for the writers of Queen Elizabeth's reign, and the example set by one distinguished genius, in returning to the romances of the olden time, and to the lays of ancient chivalry.

No country has more to boast of in this department of national literature than Germany. Its ancient poets belonged to an age which abounded in enterprise and enthusiasm, and they came in contact with many of the leading events and most distinguished characters of the times. A variety of causes contributed to render that period of history especially favourable to the development of poetical genius. The adventurous expeditions of the Normans, not only altered the political condition of Europe, but had an influence on the nations they invaded, or with whom they coalesced. Their life of daring and of change, was a meet nursery for those qualities which are favourable both to the composition and to the enjoyment of poetry; and they were not, in truth, by any means, that merely rude and piratical people which they have sometimes been represented. There are not very many memorials of their attainments remaining; but such as we have lead us to think favourably of their character, when the extent of their information and opportunities is considered. Eloquence in their leaders was as highly esteemed as courage. In the education of a prince it was deemed of the highest importance; and old historians, in enumerating the virtues of a Norman hero, make special and honourable mention of his mellifluous oratory. Even in the arts their progress was not contemptible; for though their productions could boast of little elegance, they displayed a wild luxuriance of imagination and invention. The description given by a cotemporary of the fleet with which Canute the Great sailed from Denmark to England, is a good proof of this. On the stern of the vessels were lions of gold, on the mast-tops birds and dragons, dolphins, centaurs and other monsters of whose names the describer was ignorant, were distributed in such profusion, that they dazzled the eyes of the beholder, and gave to the ships when at a distance, the appearance of being on fire. Is it not singular, that critics should so often have forgotten such facts in their disquisitions on the literature of the middle ages—and been at so much trouble to derive from Southern and Eastern nations, what it appears was equally to be found among the inhabitants of the North? It is highly probable that those powers of description, and that fantastic imagery which have been so

often referred to an Asiatic origin, are in truth of Norman descent. It is certain at least, that the first romances in which these peculiarities are found so plentifully, did not originate in the *South* of France, where they might have been derived from the Moorish invaders of Spain; but in the *North*, where the Normans had settled in the beginning of the tenth century. It is true, that the invaders were soon incorporated with the people among whom they had settled, and adopted a new religion and language: but the splendour of romantic fiction, and the marvels of northern mythology, would not be easily forgotten; for the impressions received in the early ages of society, as in the first years of life, cannot be effaced scarcely ever, even where there is a wish to do so. This much is certain, that whatever may have been the original of the oldest of these narrative poems, they existed at a very remote period in the *langue d'oïl*; that several of these were translated into the Saxonian dialect of the German, and that they all display such qualities as were likely to result from the intermixture of Scandinavian legends with the refining virtues of chivalry and Christian devotion. In England under William the Conqueror and his immediate successors, historical romances of a similar nature were not unknown; and we shall only mention farther, in proof of the wide and powerful influence of the Normans on the first literature of modern Europe, that even under circumstances, and in a region which must have deprived them of much of their original character, their taste for learning, and susceptibility of poetical impressions still indicated itself with undiminished force. It was in Sicily accordingly, where the Normans effected a settlement in the eleventh century, that the first dawning of Italian literature appeared. The oldest Italian chronicle (an unpublished manuscript in the Barberini Library in Rome) is written in the Sicilian dialect,—and a Sicilian named Giulio di Alcamo composed the oldest Italian poem which is known to exist.

Whatever may have been the permanent effects of the Crusades, there can be no doubt that they must have helped materially to accelerate and mature the contemporary poetry of Christendom. That intoxication of zeal, which made the counsels of the church and the deliberations of Kings more like the dreams of poets than the resolutions of politic men, could scarcely fail to infuse a spirit of romance into those whose situation as well as age was peculiarly favourable to such lofty illusions. The real history accordingly, even the chronicles, of that period, are almost as poetical as the works of fiction belonging to other times. The most ideal motives became the springs of the most important actions; the minds of men were elevated above mere-

ly interested considerations, and for a while every earthly inclination was forgotten, or consecrated to the service of heaven. War, the ruling passion and favourite pastime of the age, was now regarded as a Christian duty, and hostile leaders and nations forgot their ancient feuds and animosities, to direct their united arms against the enemies of God.

It is easy to perceive in these circumstances, not merely an excitement to poetical composition in general, but also the origin of that character of disinterested valour and generous self-devotion, which the poetry of that age exhibits, both in its narrative and lyric form. In another respect this religious enthusiasm exerted an equally powerful influence. As this holy zeal naturally raised the thoughts of men to the contemplation of a superior being, so the idea of a particular providence, and its constant interlerence in their affairs, became the subject of general belief. Hence, not merely the different ordeals by means of which innocence was to be manifested, or the charge of guilt confirmed, but also that awe of a higher than human power, which in so many different ways operated on the mind. The religious views then entertained were indeed very far from being correct, or likely to produce the purposes for which Christianity was revealed; but it may well be questioned, whether at any other time religion, such as it was, had so deep and powerful a hold of the consciences of men, and whether in a more enlightened age, and with a purer creed, the Christian world has ever so honestly laboured to practise what it professed to believe.

But the piety of the age served not only to modify the character of the knight, in regard to chivalry and religion, but likewise in the distinguishing attribute of gallantry. The avowed object of these holy wars was to redeem from the polluting hands of the infidel, the scenes of our Saviour's life and death; and in the honour which was paid to the Son, that of his Virgin Mother was not overlooked. To those who know the character of those times, and how much there was of what is material in religious opinion, it will not appear surprising, that mystic feelings of devotion came to be blended with earthly passion. In the most barbarous times the inhabitants of the North looked on the softer sex with deference, and even regarded them as divine: And, as we consider the chivalry of the middle ages to be the result of the exalting influence of Christian feeling on the heroic courage of the heathen; so also we regard their gallantry as arising from the new character which certain points and practices in the Catholic religion gave to the ancient homage of the Teutonic tribes to female loveliness and worth. From the worship of the Virgin, it was not very difficult to

pass to that of the idol of their hearts. The music, the statues, the pictures, could scarcely fail to excite, in a young and glowing breast, a mixture of emotions, fully as suitable an offering to an earthly mistress, as to a sainted inhabitant of Heaven. In this way, however, the intercourse betwixt the sexes was not merely refined, but hallowed; woman was not only to be wooed but worshipped—to be approached with reverence as well as affection, and supplicated with tears, and moved by sacrifices, as well as courageous service, to yield the boon of her sympathy and favour. It was to this exalted feeling that the name of ‘*rechten minne*’ (right or true Love) was applied; and hence it came to be regarded as no less purifying in its influence than happy in the results to which it conducted. It affords indeed a very remarkable proof of the strong influence of religion even on the laity, that the same marvellous self-restraint which exalted monks and anchorites to the rank of saints, was now commemorated by the poet as among the necessary virtues of his secular heroes. The same extraordinary trials, which the records of the Mendicants assure us the worthies of that order endured, to prove and strengthen their chastity, were imposed on their favourite characters by the authors of *Ivan, Flas, and Blantscheflos*, and others of the *Minnesingers*. The case of Lewis the Ninth of France, is a singular instance of the extraordinary height to which, in an enthusiastic mind, such notions might be carried. We omit all mention of the influence of the perils undergone in the Holy Land, and of the wealth and wonders described by those who returned to Europe; but because the mention of those particulars would lead into too wide a detail, and because we consider these circumstances which tend to form *the character* of the poet, as of more importance than such as tend only to affect the subject matter of his poetry.

These causes were common to several nations; but there were others peculiar to Germany. The political condition of that country during the twelfth and part of the thirteenth century, was highly favourable to the growth and development of national character. During the reign of the house of Hohenstaufen, the Germanic body displayed a degree of energy which it has never since exhibited; and with this dynasty began and ended the bright period of its ancient literature. The aim and object of these Suabian Emperors was indeed suggested by a mistaken policy; and the foreign wars in which they were in consequence engaged, prevented them from doing much to promote domestic prosperity and the permanency of their own power. But though their sway was shortened by these causes, it

was likewise made more splendid; and though less favourable for political improvements, was more conducive to the rise and progress of a national poetry. The military annals of that period abound in instances of heroic daring and magnanimity. The Italian possessions constituted the brightest gem in the imperial crown, and the struggle constantly required to secure them was eminently a contest for glory. The humblest knight found himself honoured in the lustre which was shed on his country; the more powerful princes felt that their cooperation was essential, and regarded themselves as independent chiefs, in some respects on an equality with their sovereign. Every where there was the consciousness of power, and the will and occasion to exert it. The necessities of the Emperor led him, as far as circumstances would permit, to respect and gratify his haughty followers; and when command failed, he hesitated not to employ expostulation, and even entreaty. Barbarossa one of the bravest warriors, and greatest men of his age, fell at the feet of a feudal vassal, Henry the Lion, supplicating him not to withhold his aid in a projected expedition into Lombardy. This state of things produced every where a high and independent spirit; and nothing is more certain than that, wherever the mind of a nation is raised by a feeling of its own power and resources, there every native production will be stamped with a bold and original character, and men of genius will arise in unexhausted succession, to exalt their own names by attaching them to its glory.

The personal qualities and talents of the Emperors contributed in no small degree to the same results. Conrad the Third by raising himself to the imperial dignity, and laying the foundation of his family's greatness, proved himself a prince of no common endowments. His nephew and successor Frederick I., excelled both as a statesman and warrior; his long and undaunted struggles against the Papal power, proved his own magnanimity, and promoted that of his followers; and after many a hard fought battle on the plains of Lombardy, he died leading one of the best conducted expeditions which ever left the West for the conquest of the Holy Land. Henry VI. was less generous and noble-minded than his father; but possessed many of those qualities, which in such an age either atone for defects, or overrule and counteract their evils. His covetousness was retrieved by liberality to his soldiers, his cruelty to his enemies by his knowledge of men, and the skill with which he selected them for his purpose; his plans were comprehensive, and his resolution in following them up, was neither turned aside by obstacles, nor relaxed by any scruples about

the means which he employed. He was at once a proficient in the accomplishments of the knight and the studies of the sage; and not only patronized poets and learned men, but was himself a *Minnesinger*. The claims of Philip were resisted; but the fortunes of the Hohenstaufen revived with Frederick II., and under him attained their greatest elevation and splendour.

This remarkable man rose from a condition of the most helpless dependency to the highest power—a captive in youth, and a mighty prince in manhood. Educated in Sicily, the tender years of his infancy were spent among the most trying misfortunes. At an early age he set out for Germany, and reached it in the midst of terrible dangers; but his power, as he descended from the Alps, increased like the avalanche, and the Apulian Child, as he was named in derision, soon scattered his enemies before him—or converted them into dutiful allies. The intervals of military exertion were often employed in legislation; and the different character of the laws which he enacted for Italy and Germany, shows not merely great penetration, but comprehensiveness of mind, and a capacity of duly adjusting the remedies for dissimilar evils. In an age of superstition he was a bold and liberal thinker, and incurred what, considering the period, was an honourable distinction, the suspicion of heresy. To that strength of character which is required for conducting affairs, he united the taste and the knowledge that enabled him to enjoy all the pleasures of polished society. In his splendid palaces, situated in the finest districts of Italy, was assembled whatever wealth or influence could command; the amusements of the chase were diversified by entertainments in his extensive gardens; the curiosities of Eastern art, and the most admired musicians, were to be found in his richly furnished halls; and there likewise might be seen the most beautiful of those Saracen girls, whose graceful figures and surprising agility in the dance, won such enthusiastic applause from Richard of Cornwall. Nor did these objects lead him to seek gratification merely in the delights of sense; more intellectual pursuits were joined to them. He was acquainted with the languages and philosophy of the East as well as its pleasures; and learned men, artists and poets, collected round him, exhibited their works, and were rewarded. The most beautiful ladies and the bravest knights thronged his court; and in this gay circle, gallantry was the business of all, and poetry a common accomplishment. Such is the picture of this distinguished personage, as it has been transmitted to us by his contemporaries; and it is easy to conceive how powerfully his in-

fluence, example, and institutions must have reacted upon his age and country. Under him the Minnesingers reached their highest eminence; and though a similar taste was possessed by his unfortunate successors, and the impulse continued for some time after the moving causes were withdrawn, the national poetry advanced no further; and on the succession of the house of Hapsburg rapidly decayed. It is certainly not the least distinction even of one so illustrious, that he contributed to raise the literature of Germany to its utmost excellence, and to lay the foundation of that of Italy,—that he witnessed the full splendour of the Northern muse, and the first dawning of the brighter luminary of the South.

The ‘*Lays of the Minnesingers*, or Love Singers,’ form but a part of that poetry, in regard to which we have pointed out some of the exciting causes and modifying circumstances. They constitute the lyrical department,—the humblest perhaps in rank, and the least varied in character. Without presenting us with any complicated narrative, or opposition of characters, they acquaint us with the feelings of the individual, his enjoyment of the beauties of nature, his devotedness to the lady of his heart, and the countless trifles to which love gives an adventitious value and interest. In them we see the hero, not in his armour or in a moment of excitement, but reposing from the fatigues of war, and indulging those human emotions which neither the perils nor the pleasures of adventurous life could subdue. There is unquestionably a deep moral interest diffused over those simple effusions of the heart, when we consider when and by whom they were uttered; and we are disposed to regard them as among the most honourable tributes ever paid to the universal might of humanity,—presenting to the mind a strong but pleasing contrast, like that of a flower blooming in unsullied beauty, amidst the horrors of a field of battle. It is likewise true, that neither the leisure nor the attainments of those writers permitted them to seek for much variety, nor to follow up and mark the windings and mingling of passion; the sphere in which they moved though sufficiently wide, did not contain much diversity of objects, and the simplicity of their taste did not lead them to disguise this by studiously varying the expression. Yet the charge of monotony has often been stated in too strong and unqualified terms. Schiller is the only man of genius, who, as far as we remember, has maintained this uncharitable opinion, and the ridicule which he attempted to throw on this part of the literature of his country is not very creditable to him, either as a poet or a patriot. ‘*If the sparrows*,’ says he, ‘should ever chance to think of writing or publishing an almanack of love or friend-

‘ ship, we might bet ten to one that it would be composed pretty much in the same manner. What a poverty of ideas is in these Minnesingers ! A garden, a tree, a hedge, a wood, and a sweet-heart !—quite right ! somewhat such are the objects which have a place in the head of a sparrow. And the flowers, they exhale ! and the fruits, they ripen ! and there is a branch on which a bird in the sunshine sits and sings ! and the spring comes—and the winter goes, and nothing remains—but ennui !’ Those who know the peculiar bias of this poet’s genius, will find it easy to account for this censure ; nor would it be difficult to apply to him the *lex talionis*. A writer so fond of the ‘ speculative height,’ might not unaptly be likened to Cowper’s Jackdaw ; for of the one as of the other it may be affirmed, that the principles and motives which actuate mankind, the world,

‘ Its customs and its businesses
Are no concern at all of his.’

The charge of monotony, however, has been met and answered by Tieck, Schlegel, and several other writers of eminence in Germany ; and the specimens in the present work will enable the English reader to form his own opinion on the subject. In the structure of the verse, in rhythm and measure, there is at all events variety enough ; and though the translator has sometimes endeavoured to preserve these, at other times he has abandoned the attempt. The language, too, was generally an easy and natural vehicle of the thought,—varying in tone and character with the nature of these, and expressing by many a ‘ winding bout of linked sweetness,’ the language of a pensive heart, or in short and brisk measures, the gay boundings of hope and happiness. The same passion, it is true, comes again and again before us ; but with all those peculiarities of light and shade which stamp individuality on the delineation of feeling. Every landscape in the same way consists of the same materials ; we have always but a repetition of the wood and the water, the valley and the mountain ; but there is notwithstanding an endless diversity in natural scenery ; and still more if possible in the capabilities of the art which copies her. In like manner, among the Minnesingers each writer of note sought to form for himself a distinguishing style. Peculiarities of personal character are frequently to be recognised. In some cheerfulness, in others melancholy and depth of feeling predominate, and even these separate classes are farther distinguished. The buoyant spirits of one flow on like a mountain stream, leaping from crag to crag ; the joy of another resembles an even river, which rolls its dimpling current through flowery meadows. Sometimes the complaining lover bewails his fate in strains which breathe a deep

and mystic feeling—frequently in simple, and even playful accents; or, by a rapid change of measure, strives to express the fluctuating emotions of his breast, now lengthened and lingering, like a deep-drawn sigh—now quick and hurried, like the palpitations of an overcharged heart. To feel and appropriate these excellencies, however, it is necessary to enter into the character of the times to which those poems belong.

These general remarks have carried us so far, that we can now find room only for a very few observations on the work before us. It is an elegant, unpretending, and pleasing little volume—not very well arranged in its historical part, nor very accurately reasoned in its speculations; but written with great candour, spirit, and intelligence, and with a brevity which we should consider as infinitely laudable,—if its excess did not sometimes leave our information imperfect, and our conceptions sometimes obscure. The work, we are informed in the Preface, is the joint production of two authors—the one contributing the critical and historical matter, the other the translations. To the first we are indebted for the largest, and perhaps the most valuable part of the collection; and it is to his labours that the preceding sentences refer. The poetical part, however, possesses great merit. There is a facility and flow in the versification, resembling the freedom of original composition, which will probably produce a very inadequate impression of the difficulty of the undertaking, among such as are unacquainted with the old German language and literature. The translations cannot strictly be said to be literal; yet they are far from being mere paraphrases. Were we to object any thing to the manner in which the translator has executed his task, it would be, that he has not preserved enough of the *naïveté* of his originals, and that his version is too uniformly elegant and polished. A pretty free use of such old English words as are not quite obsolete, would, from the closer affinity of the ancient dialect of our language with the German, at once have improved the fidelity of the translations—given them a less modern appearance, and made it possible to preserve more of that antique simplicity which is one of the greatest charms of the original ‘*Minnelieder*.’ Upon the whole, however, this work is extremely creditable to its authors; and we are glad that the English reader has been conducted by such able guides into a field of poetry, as rich and ample as it is new.

As a specimen of the critical department of the work, we extract a part of the judicious observations made on the attempts of Ginguené, Sismondi and others, ‘to hunt out fancied origins for all the products of the imagination of the middle ages.’

* Nothing, however, will satisfy the majority of these distrusters of the powers of nature, but hunting out the genealogical pedigree of every thought and feeling; and in pursuing the inquiry, it has been quite of course to overlook the philosophic maxim of resting content when we discover causes adequate to the production of the existing phenomenon. Thus Warton embarks his cargo of fiction consigned to the ports of Toulon and Marseilles, conveys it on by land-carriage to Brittany, and there leaves it, under the impetus he has given it, to find its way thence into the mountains of Wales, or the court of Strathclyde;—and all this to escape the shorter process of allowing to native bards the exercise of their own fancies, which, were, to all appearance, as competent to create, as those of the supposed exporters of surplus produce in Spain. So, too, the editor of *Antar* sees the heroes of the Round-table in the Bedouin rover; and tells us “that little more was wanted to compose the romances of the middle ages, than to engraft on the war, love, and courtesy of the Arabs, the splendid and soft luxuries of the other countries of the East, the witchcraft of Africa, the religious fervour of the South of Europe, and the gloomy superstitions of the North.” A curious meeting this, on the plains of Brittany!

* Massieu imports the Arabic poetry, with Warton's fiction, by sea at Toulon and Marseilles: for he tells us that by the convenience of these ports it passed with the commerce between Spain and France. Father Andreu is less prudent, in so far as he is more particular as to time and place, and fixes the era when the gallant knights of the South of France could have learnt the songs of the Moors, at the taking of Toledo in 1085. Unfortunately, Mr Raynouard has published a Provençal poem anterior to 1000! and the finished versification of the earliest known specimens gives us every reason to suppose the Troubadour muse to have been long cultivated. Unfortunately, too, the Spaniards themselves (with whom these French knights fought, and whose literature, though at a much later period, has the most resemblance to that of the Moors), have nothing in the least approaching to the character of the Troubadour poetry till they imitated it in later ages; and moreover, the earliest school of Spanish poetry is that which bears *least* affinity to the Oriental.

* It is almost vain to ask upon what grounds this supposed derivation of the Provençal love-songs from the Arabs could rest. One would naturally think it improbable that a poetry founded on a devoted idolatry of woman, and her absolute supremacy in the social system, should have sprung from a people whose principles lead to conclusions totally the reverse; or that those of the Christians, who fled to mountain fastnesses, and only met their moslem foes for deadly combat, should make them their masters in the fine arts. When indeed the Christians afterwards gained the ascendancy, the population might be expected to have imbibed much of the manners, and perhaps the literature of their late masters. And so, in fact, it turned out: but the character of this early Castilian litera-

ture is altogether different from that of the Troubadours. Both Moors and Spaniards must have considerably assimilated during so long a period of intermixture:—for instance, the Arabs learned to raise their women to a rank in society approaching that which they enjoyed among the Christians, though not to any great extent, for the allusions to the state of females in society contained in Conde's compilations from the Arabian documents are strictly Oriental; and, on the other hand, their schools of mathematics, physics and philosophy, were resorted to by the studios of all religious denominations. But it is perfectly absurd to attribute to them such an influence as is asserted over the poetic genius and social relations of distant European countries, at a time when the same principles were at work every where, in giving the spring to civilization and the culture of the mental faculties. M. Ginguené will not even allow the smiling descriptions of the beauties of nature, the joyous revelling in the genial influences of spring, the delights of fields, of flowers, of brooks and groves, to be natural ornaments of poetic imagination:—"tout cela est ORIENTAL," he observes. Surely Görres is more philosophic in his observation,—that it was easier for our forefathers to search in their own breasts for the feelings which breathe in their poetry, than to mine the inaccessible rocks of foreign manners and language.' pp. 35–39.

On the other hand, it may be worth remarking, that there are scarcely any allusions to Arabian or Moorish language, customs or feelings, throughout the whole body of published Troubadour poetry, though there is scarcely another country of which the same can be said. Some have fixed on rime as a striking feature derived from the Moors; yet the Teutonic nations rimed two centuries before the period of communication supposed by Father Andrez. It is clear that the acquaintance both of M. Sismondi and M. Ginguené with the Hispan-Arabic poetry is very slender; and it is equally clear that they are, by their own confession, incompetent to give a general judgment on Provençal. But M. Ginguené, in addition to his discovery that a feeling of the beauties of nature is altogether Oriental, asserts that the Italian sonnet is the lineal descendant of the Arabian Ghazel Casside. But here again, if this proves any thing, it raises no inference that the early Provençals borrowed from the Arabians; for they (the persons through whom the communication with Italy is supposed to have taken place) have not a sonnet in the whole body of their poetry. They have indeed the name; but it has no such arbitrary meaning as that attached to it by the Italians. Between the Spanish-Arabian poetry and the later Castilian alone is there any great affinity; and nothing is more widely removed from the French Troubadour than the Castilian school, till about the 15th century, when it began to be imitative.' pp. 41, 42.

With regard again to the poetical part of the work, we may observe, that the following is given as one of the oldest and best specimens that is known of the 'Watch Song'—a sort of bal-

lad, which always referred to the parting of the Knight and Lady, after a stolen interview by night.

‘ I heard before the dawn of day
The watchman loud proclaim ;—

“ If any knightly lover stay
In secret with his dame,
Take heed ! the sun will soon appear !
Then fly, ye knights, your ladies dear,
Fly ere the daylight dawn.

“ Brightly gleams the firmament,
In silvery splendor gay ;
Rejoicing that the night is spent,
The lark salutes the day :
Then fly, ye lovers, and be gone !
Take leave before the night is done,
And jealous eyes appear ! ”

Straight to the wicket did she speed ;

“ Good watchman spare thy joke !
Warn not my love, till o’er the mead
The morning sun has broke :
Too short, alas ! the time, since here
I tarried with my leman dear,
In love and converse sweet. ”

“ Lady, be warn’d ! on roof and mead
The dew-drops glitter gay ;
Then quickly bid thy leman speed,
Nor linger till the day ;
For by the twilight did I mark
Wolves hyeing to their covert dark,
And stags to covert fly. ”

Now by the rising sun I view’d
In tears my lady’s face :
She gave me many a token good,
And many a soft embrace.
Our parting bitterly we mourn’d ;
The hearts which erst with rapture burn’d,
Were cold with woe and care.

A ring, with glittering ruby red,
Gave me that lady sheen,
And with me from the castle sped
Along the meadow green :
And whilst I saw my leman bright,
She waved on high her ‘kerehicf’ white :
“ Courage ! To arms ! ” she cried.

In the raging fight each pennon white
Reminds me of her love ;

In the field of blood, with mournful mood,
 I see her kerchief move;
 Through foes I hew, whene'er I view
 Her ruby ring, and blithely sing,
 "Lady, I fight for thee."

The following stanzas are by John Hadloub, one of the last, but certainly not the least, of the Minnesingers. The translation (executed by a friend of the author's) gives, on the whole, the meaning, but neither the rhythm nor the simple brevity of expression of the original.

' I saw yon infant in her arms caress,
 And as I gazed on her my pulse beat high :
 Gently she clasp'd it to her snowy breast,
 While I, in rapture lost, stood musing by :
 Then her white hands around his neck she flung,
 And press'd it to her lips, and tenderly
 Kiss'd his fair cheek as o'er the babe she hung !
 And he, that happy infant ! threw his arms
 Around her neck, imprinting many a kiss ;
 Joying, as I would joy, to see such charms,
 As though he knew how blest a lot were his.
 How could I gaze on him and not repine ?
 Alas ! I cried, would that I shared the bliss
 Of that embrace, and that such joy were mine !
 Straight she was gone ; and then that lovely child
 Ran joyfully to meet my warm embrace :
 Then fancy with fond thoughts my soul beguiled ;—
 It was herself ! O dream of love and grace !
 I clasp'd it, where her gentle hands had prest,
 I kiss'd each spot which bore her lips' sweet trace,
 And joy the while went bounding through my breast.' p. 195.

As a contrast to these tender effusions, we may give this fierce strain of Bertrand de Born, a warrior of the 12th century ; of whose extraordinary character and feats the curious reader will find a full account in the *Ancient Provençal Life of him*, published by M. Raynouard, in his 5th volume.

' It pleases me, when the laurets bold
 Set men and armies flying ;
 And it pleases me, too, to hear around
 The voice of the soldiers crying ;
 And joy is mine
 When the castles strong, besieged, shake,
 And walls uprooted, totter and crack ;
 And I see the foemen join,
 On the moated shore all compass'd round
 With the palisade and guarded mound. . . .

Lances and swords, and stained helms,
 And shields dismantled and broken,
 On the verge of the bloody battle scene,
 The field of wrath betoken!
 And the vassals are there,
 And there fly the steeds of the dying and dead;
 And where the mingled strife is spread,
 The noblest warrior's care
 Is to cleave the foe's limbs and head,—
 The conqueror less of the living than dead!
 I tell you that nothing my soul can cheer,
 Or banqueting, or reposing,
 Like the onset cry of "Charge them" rung
 From each side, as in battle closing,
 Where the horses neigh,
 And the call to "aid" is echoing loud;
 And there on the earth the lowly and proud
 In the foss together lie;
 And yonder is piled the mangled heap
 Of the brave that scaled the trenches steep.
 Barons! your castles in safety place,
 Your cities and villages too,
 Before ye haste to the battle scene;
 And, Papiol! quickly go,
 And tell the lord of "Oc and No"
 That peace already too long hath been!

We close our extracts from the Minnesingers with the following verses of Walter Vogelweide, a voluminous and celebrated author of the same age, descriptive of his feelings on revisiting the scenes of his youth.

' Ah! where are hours departed fled?
 Is life a dream, or true indeed?
 Did all my heart hath fashioned
 From fancy's visitings proceed?
 Yes! I have slept; and now unknown
 To me the things best known before:
 The land, the people, once mine own,
 Where are they?—they are here no more:
 My boyhood's friends, all aged, worn,
 Despoil'd the woods, the fields, of home,
 Only the stream flows on forlorn;
 (Alas! that e'er such change should come!)
 And he who knew me once so well
 Salutes me now as one estranged:
 The very earth to me can tell
 Of nought but things perverted, changed:

And when I muse on other days,
 That pass'd me as the dashing oars
 The surface of the ocean raise,
 'Ceaseless my heart its fate deplores.' p. 212.

To the extracts from the German Minnesingers, the translator has annexed several specimens of the Provincial Troubadours, and has in many instances prefixed the originals to his translation. We can afford, however, to add but this lively and philosophical fragment of a fair poetess of the 14th century.

' Voyd son hyver venir li sages
 Come al fins biau jor, belle nuict ;
 Scet que sont roses por toz ages
 Si por toz ages sont ennuiet, &c.

The wise man sees his winter close
 Like evening on a summer day ;
 Each age, he knows, its roses bears,
 Its mournful moments and its gay.
 Thus would I dwell with pleasing thought
 Upon my spring of youthful pride ;
 Yet, like the festive dancer, glad
 To rest in peace at eventide.
 The gazing crowds proclaim'd me *fair*,
 Ere, autumn-touch'd, my green leaves fell :
 And now they smile, and call me *good* ;—
 Perhaps I like that name as well.
 On beauty, bliss depends not ; then
 Why should I quarrel with old Time ?
 He marches on :—how vain his power
 With one whose *heart* is in its prime !
 Though now perhaps a *little* old.
 Yet still I love with youth to bide ;
 Nor grieve I if the gay coquettes
 Seduce the gallants from my side.
 I joy too (though the idle crew
 Mock somewhat at my lengthen'd tale),
 To see how lays of ancient loves
 The listening circle round regale.
 They fancy time for *them* stands still,
 And pity *me* my hairs of gray,
 And smile to hear how once their sires
 To me could kneeling homage pay.
 And I too, smile, to gaze upon
 These butterflies in youth elate,
 So heedless, sporting round the flame
 Where thousand such have met their fate.' pp. 273-275.

In the concluding chapter of the work, the authors have done us the honour to quote, with much approbation, a passage from the 26th Volume of the Edinburgh Review, relating to the Mastersingers; and we are glad to take this opportunity of correcting what we believe to be an error in that passage, with regard to the honest and indefatigable Hans Sachs of Nürnberg, who is there made to confess, that while travelling as an apprentice, ‘his conduct during his rambles was not altogether exemplary!’ There is internal evidence that the Reviewer derived his information from Bouterwek’s History of German Poetry; and yet the German critic states that *directly the reverse was the case*,* and gives in a Note the testimony of the poet himself, which is to the same effect. Whatever may be thought of Hans as an author, his conduct as a man seems always to have been most circumspect and exemplary.

ART. VII. 1. *Reports and Evidence upon the State of Ireland. Ordered to be printed by the House of Lords and the House of Commons, Sessions 1824–1825.*

2. *The Book of the Roman Catholic Church.* By CHARLES BUTLER, Esq. London, 1824.

THAT the Catholic Bill would pass last Session, was an event that no one, in the least degree acquainted with the power of certain influences upon the decisions of Parliament, ever for a moment expected: But that its rejection should be accompanied with speeches such as those of the Duke of York and Lord Liverpool, was a matter of universal astonishment. These speeches we hold to be of exceedingly ill omen, considering who the individuals are who made them; and in our judgment they are not less to be censured for the principles they inculcate, than for the temper with which they were uttered. We are most firmly convinced, and we feel assured that, in saying so, we express the conviction of all reflecting and judicious men, that, if the policy recommended in those speeches were to be steadily acted upon, the whole redundant and semi-barbarous population of Ireland would soon be united in open and interminable hostility to England. We should no longer have to deal with partial and unconnected outrages and disturbances; but on the first favourable opportunity, the whole population would rise *en*

* See Bouterwek’s ‘Geschichte der deutschen Poesie und Beredsamkeit,’ Vol. I. p. 382.

masse to avenge centuries of misgovernment, and to relieve themselves from that sentence of eternal proscription that has been fulminated against them. If the policy of the Duke of York and Lord Liverpool be continued for a few years longer, whatever feelings may now exist favourable to the English connexion will be effectually obliterated: The standard of rebellion will be unfurled on the first provocation; and none but simpletons can suppose that our foreign enemies will fail to embrace so favourable an opportunity for striking a mortal blow at the power and resources of England. It is not on the Continent or on the ocean, in America or in the East Indies, but in Ireland, that the battle of England's independence must be fought; and though we should, in the first instance, gain a ruinous victory over those whom we might have rendered our best defenders, it is not in the nature of things that the reign of *helotism* can be perpetual, or that *six millions* of oppressed and incensed subjects can be forever held in a state of unwilling subjection.

Viewing, therefore, as we do, the question of Catholic Emancipation as of vast and paramount importance, not merely as affecting Ireland only, but as involving the integrity and, for that reason, the fate of the British Empire, we make no apology for attempting once more to demonstrate the futility and absurdity of the charges on which the proscription of the Catholics is attempted to be justified. We shall endeavour to remove the veil which prejudice, misrepresentation, and bigotry, have thrown over the principles and conduct of our Roman Catholic fellow-citizens: and to confute the assertions in some of those violent and malignant speeches, petitions and testimonies, which impute doctrines to them which their church has never held. For, after all, however exalted the station of some persons who have put themselves forward as the *unchangeable* enemies of Catholic freedom, and however formidable that Church and State alliance which is opposed to the Catholic claims, *Public Opinion*, most fortunately, is still able to direct and govern the measures of these realms; and when once the misrepresentations and calumnies so artfully and industriously circulated against the Catholics are exposed, we may be allowed to hope that this opinion will be still more strongly manifested in their favour, and that the efforts of the assertors of perpetual exclusion will be cheered only by the plaudits of the dregs of the mob. And, whenever this comes to be the case, we have no sort of doubt that our most headstrong princes and most Protestant statesmen will speedily discover many very excellent reasons for relaxing their opposition, and for submitting to the painful sacrifice of seeing their Catholic countrymen re-

stored to the full enjoyment of those rights and privileges so long and so unjustly withheld from them.

Next to the speeches we have alluded to, no circumstance has contributed more to propagate error, and to keep alive impressions hostile to the Catholics, than the efforts of the clergy, and the petitions presented by them to both Houses of Parliament. But it would be well were those Protestant Divines, who have been so forward in bringing accusations against the Catholics, and in declaring what the doctrines of Roman Catholics are, from their own views and inferences, to let the Roman Catholic Church speak for itself; and to allow its dogmas to be learned from its councils, its professions of faith, its catechisms, its liturgies, and its most able divines. How loud and clamorous would these reverend petitioners be, were doctrines to be fabricated and promulgated by Roman Catholic priests, as tenets of the Church of England, which were no where to be found either in the Bible, the Thirty-nine Articles, the Homilies, or the Protestant Liturgy? Would not, then, these reverend gentlemen do well to act with a little more discretion and a little less zeal, and to adopt the same rule towards Catholics which they, as a matter of course, and very properly, would require Catholics to act upon towards them? For our own part, we feel it to be our duty, in approaching the delicate and now highly important task, of endeavouring to develop the real principles of the Roman Catholic religion, with respect to the so much talked of authority and influence of the Pope, to suspect all our own old and long cherished opinions; to investigate each fact of the case, as if for the first time presented to our understanding; and above all, not to take doctrines of the Catholics at second-hand, but to refer directly to the known depositaries of their faith and discipline, as the course that is the most free from exception, and the best calculated to lead to impartial and accurate conclusions.

It should always be kept in view, in all inquiries with respect to the principles or tenets of the Roman Catholic religion, that, be its defects what they may—and we certainly think they are neither few nor small—it is a Christian Religion; that its main object unquestionably is to make men acquainted with their duties towards God and towards each other; that it was long the only religion of the Christian world, and that it is still by far the most generally diffused; and that, in several Catholic nations, there exists the highest state of intellectual cultivation. It should also be remembered, that Catholic priests and monks kept Christianity alive during the dark ages, and that it is to them that we owe the Sacred writings, and all that we know of the lives of the apostles and primitive fathers: And in our

zeal against the corruptions of the Court of Rome, we should not forget that we are indebted to the Catholic monastic establishments for the preservation of the inestimable remains of Greek and Roman literature; and for keeping alive during the protracted and seemingly hopeless period of 1000 years of barbarism and darkness, those scattered sparks of truth and science, which were afterwards to kindle into so bright a flame !*

The reverend petitioners of the Church of England would also do well to reflect, that in vilifying and misrepresenting the Catholic religion, they are raising a prejudice against a religion that has a very great similarity to their own. In Clarendon's State Papers, there is a report upon the state of the Established Church, made in 1634 upon special and minute inquiry by Father Leander to Pope Urban VIII, and quoted by Mr Butler in his book of the Roman Catholic church,† which states that, 'in the greater number of the articles of faith, the English Protestants of the Established Church are truly orthodox; as on the sublime mysteries of the Trinity and the Incarnation; on the economy of the redemption of man and satisfaction; through the whole almost of the controversies respecting predestination, grace, and free-will; the necessity and merits of good works; and the other articles expressed in the Creed of the Apostles, in the Nicene and Athanasian Creeds, (as these stand in the Roman Catholic Liturgy), and in the four first General Councils.'‡ The same similarity exists in respect to the discipline of both churches. This report states, that 'the Protestant Church retains an external appearance of the Ecclesiastical hierarchy, which was in force during the time of the Catholic religion; it has its archbishops, bishops, deans, archdeacons, chapters of canons in the cathedrals of the most ancient sees, and most ample revenues; it preserves its ancient edifices, the names of its ancient parishes, priests, and deacons, a form of conferring orders, which agrees in most respects with the form prescribed by the Roman Pontifical; it preserves also the clerical habits and gowns, the pastoral crook and crosses.'

In the first Liturgy of Edward VI., were retained not only the word mass as observed before the Reformation, but priests and altars, with their usual vestures and ornaments,—sacrifice, paten, and corporals, chalice with wine and water, communion in one kind in case of necessity, bread made in the form of a wafer, triple mersions, chrysoms and oils, prayers for the

* 1st Dissertation, Supp. En. Brit. Vol. I. p. 21.

† Mr Butler's book of the R. C. Church, p. 2.

‡ Clarendon's State Papers, Vol. I. p. 197.

dead, extreme unction, and crossings.† The doctrines of the Catholic Church as to absolution, confession, and penance, are laid down in the Common Prayer Book in the *same words* as they are described in the Catholic books. The gospels, epistles, and collects in the Liturgy of the Church of England are the same as those in the Catholic Liturgy; and the ordination of a Catholic priest is admitted to be valid, if he become a convert to the Church of England. This great similitude between the two Churches, is still farther and strikingly exhibited by many of the ordinary books of devotion and instruction, originally composed and used by Catholics, being reprinted, and in common use for religious instruction among Protestants; such as, ‘The following of Christ,’ by Thomas à Kempis—‘F. Parson’s Directory,’—‘The Introduction to a Devout Life’—‘Devotions after the ancient way of offices,’—and many others. So great in fact is the similitude between the Church of Rome and of England, that the Scotch and all other Reformed churches have made but little distinction between them. The Church of England has been called by them the eldest daughter of Antichrist—and many other choice epithets have been applied to her by our early reformers, which we do not now choose to repeat.

But our business is not with those points respecting transubstantiation, tradition, the invocation of the saints, &c. at issue between the Church of Rome and the Church of England. We leave these to be discussed by those who are curious about such matters. It is enough for us if we are able to show, that whatever may be the character of the Catholic religion as a system of Religious faith, there is nothing in it to warrant the exclusion of those who profess it, from the fullest participation in those Civil Rights that are enjoyed by Protestants. Discarding, therefore, the purely theological parts of the controversy, we shall now endeavour to show, that the assertions advanced by Lord Liverpool respecting the implicit obedience due by all Catholics to the Pope, and, their divided allegiance, are utterly without foundation. If we succeed, as we believe we shall do, in establishing this point, the accusations of the Bishop of Chester and the Archbishop of Dublin will not go for much.

I. With respect to THE POWER OF THE POPE.—The question we propose to resolve is this, *Whether all who are in communion with the Pope are bound to consider him as infallible, and to obey*

† See Stat. 2. and 3. Ed. 6. c. 1.

him in all matters ; and whether the Pope is paramount and superior to General Councils ?

It is no doubt true, that Bellarmine and some other writers of great eminence, who have been honoured with the highest rewards by the See of Rome, have taught the doctrine of the infallibility of the Pope. But Bellarmine is only an individual ; and his *opinion*, unless it has received the sanction of the Catholic Church, can never be said to be an article of Catholic faith. Instead, however, of being so sanctioned, we find, in the first place, that the doctrine of the infallibility of the Pope is not so much as mentioned in the definitions of the Council of Florence, in which the extent of the Papal authority was professedly and fully discussed. It is not in the Creed of Pope Pius IV., which was collected out of the Council of Trent, and which is considered by all Catholics as the most accurate and explicit summary of the faith of their Church. It is neither mentioned in the *Catechism ad parochos*, nor in the other catechisms which have been formed for the general instruction of the people. But at the same time that we do not find this doctrine in any authentic exposition of the Catholic faith, we do find it distinctly denied by a host of authorities. Bellarmine himself acknowledges, that five eminent doctors explicitly denied this infallibility of the Pope, *without being censured by the Church.* * Launoïus reckons up *twelve universities*, and *seventy-five single writers*, among whom are several archbishops, bishops, and cardinals, all professedly writing against the infallibility of the Pope, without any censure being passed upon them. † And therefore, without wasting time in making other references, we feel justified in coming to the conclusion, that the acknowledgment of the Papal infallibility is not a condition of communion with the Catholic Church. Whatever there is in it, if there really is any thing worth attending to, can be set down as no more than a *matter of opinion*, adopted by some writers, and *not a matter of faith*, forming part of the Catholic religion ;—a distinction, we beg to observe, of no slight importance, and which has been very often laid down by our own most eminent divines, and among others by the Archbishop of York, Dr Sharp, in his celebrated sermon preached at Guildhall in 1674. In this sermon the archbishop endeavours to remove the occasions of schism, so that all men may pursue those things that make for peace, by laying down

* C. de Rom. Pont. c. 11.

† 298. Ep. to. 4. Ep. ad Hen. Barillonum. And 3. Ep. 2. ad Christoph. Faveum.

certain rules for the fair discussion of matters of religious controversy; the first of which directly applies to the question now before us, and is as follows: ‘ To distinguish carefully between matters of FAITH and matters of OPINION, and not to charge against a religion as a matter of faith, what is merely a matter of opinion; and as to these latter, to be willing that every one should enjoy the liberty of judging for himself.’

As to that part of the question which relates to the supposed power of the Pope over *General Councils*,* the Reverend Mr Phelan,† a clergyman of the Establishment, says, in his evidence before the Committee of the House of Commons: ‘ The Pope, *ratione sui primatus*, is superior to all Bishops taken separately, and even to a National Council.’ And to support this assertion, he quotes the following paragraph from the class book of the College of Maynooth: ‘ *Romani Pontificis, nemine negante, ratione sui primatus, superior est omnibus episcopis divisim sumptis, et conciliis ipsius provincialibus et nationalibus.*’‡ Mr Phelan also says generally, in respect of the Pope’s power: ‘ If the orders of the Pope are enforced by excommunication, a Catholic is no longer at liberty to disobey them; his first duty in that case is to become reconciled to the Church;’ and Mr Phelan refers to the Bull *Unigenitus* to sustain this position.§ The Reverend Mortimer O’Sullivan, who describes himself as having been some time second master of the Tipperary school, and curate of the parish of Tipperary, (a very flip-pant witness in preferring charges against the Catholics, but not quite so ready in producing proofs to sustain them), goes far beyond Mr Phelan in his notions of the power of the Pope. He says, ‘ The Pope is the person who is to define the limits to which obedience extends.’—‘ The Pope is the person who is to judge the meaning of the canons.’—‘ The Pope can at any time revive into operation canons which may now be called

* A general council is composed of bishops sent to represent each national church in Christendom. Their decrees, to be valid, must be approved of by the Pope.

† This Mr Phelan, a few years ago, published a pamphlet, in which he strongly condemned the Irish Bible Society, and proposed a union between the Church of England and the Church of Rome against sectaries. It was reviewed in this work; but, by a mistake of the press, Mr Phelan’s name was written Phelaw.

‡ Evidence, p. 485. The references in this article are to the evidence given before the House of Commons’ Committee, unless when the evidence given before the House of Lords is specially named.

§ Evidence, p. 483.

‘ obsolete, and by his assent to them make them canons of the church.’—‘ If the Pope pronounce *ex cathedrâ* any decision, the whole church is bound to abide by it, whatever it may be.’—‘ The Pope has the power of defining the meaning of an oath.’—‘ The Pope has the power of summoning a council around him, and can have the faith defined to be whatever suits his particular purpose.’ ‡

Now all this sounds very confident and positive, but the following evidence of the Catholic Archbishop of Dublin, Dr Murray, and of the Catholic Bishop of Kildare and Leighlin, Dr Doyle, fully proves that these opinions of Mr Phelan and Mr Mortimer O’Sullivan are altogether unfounded.

Dr Murray’s evidence.—‘ It has been stated in evidence, that, in the class book of Maynooth, it is laid down that the Pope is superior to all bishops, taken separately, or even to provincial and national councils. How is this statement to be understood?—He is so, because his jurisdiction extends over the whole church; whereas, the jurisdiction of a single bishop, or of the bishops of a province, or of a nation, does not extend beyond the limits that are implied by those different denominations. Moreover, the decrees of provincial or national synods, according to our discipline, have not effect without the confirmation of the Pope; and on that account his jurisdiction is stated to be superior to, or more extensive than, the jurisdiction just alluded to.

‘ Is his authority under the control of general councils?—His authority is limited by the councils and canons (decrees of Councils) of the church. He is the executive power of the church, appointed to preside over it, and enforce its canons and laws.

‘ Is a decree of the Pope valid without the consent of a council?—A decree of the Pope in matters of doctrine is not considered binding on Catholics, if it have not the consent of the whole church, either dispersed or assembled, by its bishops in council. (pp. 224, 650.)

‘ What alternative would remain to a Catholic who appeared to be unjustly excommunicated?—If the excommunication were known to be unjust, of course he would disregard it. If it was of a doubtful nature, he possibly might, to avoid scandal, hold himself as excommunicated; that is, he would not receive externally the sacraments of the Catholic church, until the doubt should be removed. But no excommunication, no dread, no inducement that could be held out by the Pope, or any other, should prevail on him to do wrong, nor of course to transgress the allegiance he owes to his Sovereign. He would not therefore renounce his religion; but, in resisting such an excommunication, he would act conformably to the principles of his religion, which teach him that he owes UNDIVIDED ALLEGIANCE to the

‡ Evidence, pp. 460, 461, 463, 468.

sovereign of the realm in which he lives, and where protection is afforded to him.

‘ Does the Catholic church consider that each individual is a judge of the justice of the excommunication which may be applied to him?—Certainly, if it regard a matter already decided. In a matter of doubt he has recourse to his spiritual guides, to his bishop, or to his pastor. If an excommunication came from the Pope against any one who would not assist him in acquiring temporal dominion within these realms, every bishop and every priest in the country would feel it a duty to resist that mandate, and to teach their flocks that they were bound to resist it. .

‘ If an excommunication is issued against any individual of your church, either for doing that which is in itself a duty for him to do, or for not doing that which it would be a crime in him to do, is not any individual of your church at liberty to exercise his reason, and his judgment in such a case, and see whether the doing or the abstaining from doing would be sinful? ’—‘ Most certainly. It is only for grievous crimes that such censures are inflicted; and every man, by looking into his prayer-book, sees what those crimes are.

‘ If the criminality or the innocence of the act should depend upon the positive precepts of religion, the individual, in order to satisfy himself in that respect, would have recourse to the word of God, as he finds it in the Sacred Scriptures, and in the ordinances of his church? ’—‘ Certainly. ’ (Evidence, pp. 648, 649.)

Dr Murray allows that the Bull *Unigenitus* contains the condemnation of the proposition, ‘ That the fear of an unjust excommunication ought not to deter us from doing our duty. ’ But he adds, ‘ Notwithstanding this, an unjust excommunication should not deter us from doing our duty; ’ and he explains, that this bull is in nowise inconsistent with this general doctrine, by showing that it applied to the particular case of the Jansenists; and he further adds, that the parliament of Paris refused to register this bull, until this explanation was given of it. (p. 648).

‘ Dr Doyle’s Evidence.—Is the authority of the Pope, in spiritual matters, absolute or limited? *It is limited.*

‘ Is it limited by the authority of Councils? *It is limited by decrees of Councils already passed* (that is, by the canons universally received by the church, or such parts of them as are received by the church. ’ (See *Lords’ Evidence*, p. 245). *It is limited by usage* also in this respect, that when he directs any decree respecting local discipline to any nation whatsoever beyond the limits of his own territory (I mean by his own territory, what is called the Patrimony of St Peter, or the Papal States), the assent of the bishops of such country is necessary, in order that his decrees have effect. ’ (p. 173.)

‘ In what, and how far, does the Roman Catholic profess to obey the Pope? The Catholic professes to obey the Pope in matters

which regard his religious faith, and in those matters of ecclesiastical discipline which have already been defined by the competent authorities. (p. 191.)

‘ Where can the Committee find the laws which define the powers or pretensions of the See of Rome with respect to foreign countries? We can best find them in the usages of the different churches in Europe; and we are not bound to recognise any of those ancient laws which at all affected temporal rights.

‘ Do the usages of the different states of Europe determine the power of the See of Rome?—Yes, the usages of each country respectively; for instance, in Spain, a usage I think is, that the Pope should have the nomination to certain dignities in each chapter upon their becoming vacant, also, that he should have the power generally, through that kingdom, to nominate to benefices which become vacant in one particular month, or two months of the year. This is the usage of the *Spanish church*. In *France*, I believe, he has no power to nominate to any benefice either in the cathedral or out of it; thus the usage of one church grants one thing, and the usage of another church denies the same thing to him in another country. (p. 219.)

‘ Do the Catholic clergy insist, that all the bulls of the Pope are entitled to obedience?—*By no means*. The Pope we consider as the executive authority in the church; and when he issues a bull, enforcing a discipline *already settled by a general Council*, such bull is entitled to respect; but he may issue bulls which would regard local discipline, or other matters not already defined; and in that case his bull would be treated by us *in such manner as might seem good to us*. For instance, did it trench upon our local discipline, we might treat it as we did the rescript of Quarrantoti, did we find that it was unreasonable, we would *refuse to accept of it*.’ (p. 191.)

We shall now refer to documents of still higher authority on the question of the Papal power. Bellarmine seems to carry the Papal supremacy so high, as to be paramount and superior to General Councils; but no such doctrine is declared in the Councils of Florence or of Trent, or in any of those expositions of the Catholic faith to which we have already referred. The Council of Pisa, held by many to be a General Council, showed itself pretty decidedly against Bellarmine’s opinion, by actually deposing Benedict XIII. and Gregory XII.; and electing Alexander V. in their place. And the Councils of Constance and Basil, among the most authoritative that ever assembled, have declared, in express terms, that the supreme power of the Church-militant under Christ over all the faithful, and even over the Pope himself, with respect to matters of faith, is vested in General Councils; and that all persons whatever, and amongst others the Pope himself, are bound

to obey and be subject to their decrees. † It has been the practice accordingly, in the most Catholic countries, to appeal from bulls issued by the Popes to a future General Council: For instance, the University of Paris has thus appealed four times; the Emperor Charles V. made a like appeal; and many similar instances are on record. ‡ Launoius has reckoned up *thirty-five* Popes who have acknowledged the superiority of General Councils. || In the decree of the Council of Florence, the exercise of the Papal power is expressly declared to be limited by the observation of Œcumenical Councils and of the Sacred Canons, and is consequently subjected to them. *Quemadmodum et in gestis Œcumenicorum Conciliorum et in Sacris Canonibus continentur*, are the words of this decree. § In addition to these authorities, we have to add that of the Protestant Archbishop, Bramhall, who appears from his writings to have most minutely examined this matter. He says, that General Councils are above the Pope, and may depose him, and put another in his place, and take cognisance of appeals from the Pope. ||

Dr Doyle having informed the Committee, that the authority of the Pope is limited by the usages of different nations, ¶ we shall now shortly examine what these usages have been.

The Gallican Church has always successfully opposed the attempts of the Popes to obtain any temporal power in the kingdom of France, or to exalt their authority over that of General Coun-

† Conc. Const. Sess. 4. and 5.—Conc. Basil. Sess. 3.

‡ Richerius, Hist. Conc. Constant. p. 259. Edit. Colon. 4to.

|| P. I. Ep. ad Hieron. Sambrevium.

§ Mr Charles Butler, in his book of the R. C. Church, refers to the canon of the 10th Session of this Council, and says, that it defined, that ‘full power was delegated to the Bishop of Rome, in the person of St Peter, to feed, regulate, and govern the universal Church, as expressed in the General Councils and holy canons.’—This, ‘Mr Butler’ declares, IS THE DOCTRINE OF THE R. C. CHURCH, ON THE AUTHORITY OF THE POPE, and beyond it no Roman Catholic is required to believe.’ Mr Blanco White, in his late publication, denies the accuracy of the declaration of Mr Butler, and quotes the words; ‘full power to feed, regulate, and govern the universal Church,’ as giving an unlimited power,—without quoting the words immediately following, ‘as expressed in the General Councils and holy canons;’ which words directly qualify and limit the power!!! Mr B. W., we regret to say, betrays many similar suppressions of the whole truth in his book.

¶ Just. Vindic. of the Ch. of Eng. Disc. 3. c. 8.

¶ Evidence, pp. 173. 219.

cils. In 1682, in a General Assembly of the clergy of France, the famous declaration with respect to the power of the Pope, drawn up by Bossuet, the ablest defender of the Catholic faith, was agreed to. We subjoin a summary of the four articles of which this Declaration consists. I. That Kings and Princes are *not in any degree subject*, with respect to their temporal affairs, to the authority of the Church; and that *they can neither be deposed*, directly or indirectly, by the authority of the Pope, nor their subjects *absolved from the obedience* and allegiance which they owe them. II. That the decrees of the Council of Constance, with respect to the authority of General Councils, remain in all their force and vigour: and that the Church of France does not concur with those who hold that these decrees are doubtful, that they have not been approved, or that they were intended to apply only to a period of schism. III. That the exercise of the Ecclesiastical power ought to be regulated by the Canons, (decrees of General Councils); that the rules, customs, and laws received in the French Church ought to be observed. IV. And that though, in the decision of questions of faith, the Sovereign Pontiff has the principal part, and his decrees regard all Churches, and each Church in particular, yet *they are not to be considered as infallible*, unless they have been accepted by the Church.—This decree, after being confirmed by an edict of the King, was registered by the Parliament of Paris, and has ever since been uniformly considered as the recognised and fundamental law of the State.

With respect to other Churches, Archbishop Bramhall tells us, that the Emperors of Germany call Synods, and reform, by their means, the excesses of the Roman Court, and other ecclesiastical innovations and abuses. And with respect to Spain, he says, that the King, by himself and delegates whom he substitutes, judges and punishes all ecclesiastical crimes; that he suffers no appeals to Rome; that Charles V., in 1534, renewed an edict of his predecessors, that bulls and missives sent from Rome should be visited; that Alexander Castracan was disgraced and expelled from Spain for publishing the Pope's bulls; that the Papal censures were declared void; and that the Pope's delegates were banished from Spain. The Archbishop relates similar facts with regard to Flanders and Venice; and then as to England, he says, 'the Kings of England, in their great Councils, did make themselves the last judges in cases ecclesiastical, and not the Pope; that the Pope could do nothing here, either *against* the canons or *besides* the canons; and that the canons are no canons in England except they be received.' And then

adds, ' This same privilege was anciently radicated in the fundamental laws of England. ' *

Having now produced the evidence of the Irish Bishops, and the authority of Catholic documents, and of established usages, all affording direct proof that the spiritual authority of the Pope is *not* superior to that of General Conneils, but is limited and regulated by the authority of the Councils and canons of the Church, we trust we have completely deprived the opinions of Mr Phelan and Mr Mortimer O'Sullivan of all elaim to be attended to, although supported by the authority of Bellarmine. And as to him, whatever his doctrine may be, it is no more than a matter of opinion, and not a matter of faith; and therefore, according to the rule of Archbishop Sharp, it cannot be set down as a doctrine of the Roman Catholic religion.

II. *Whether has the Pope any power in temporal affairs, so as to depose princes, and to absolve subjects from their allegiance?*

The Reverend Mortimer O'Sullivan is pleased to say, in his evidence, that ' any Roman Catholic clergyman who entertains the opinion, that the deposing power of the Pope is considered obsolete in the Catholic Church, must be inconsistent; ' and, ' that the Pope's power of defining the limits of obedience to him, allows the admission of a deposing power. ' † Mr Phelan, again, infers, that the doctrine of deposing kings, and absolving subjects from their allegiance, is maintained virtually by the whole body of the Church at this moment, from Dr Murray's calendar having in it, as saints, the names of Thomas of Canterbury, Lawrence of Dublin, Gregory VII., and Pius V.; in as much as these persons were particularly conspicuous for supporting and enforcing this doctrine. Mr Phelan also says, ' I have reason to believe, at the time when these doctrines were first rejected, the rejection proceeded rather from political motives, ' than from any conviction that they were untenable. ' ‡ And similar opinions have of late been repeatedly declared in speeches, petitions, and pamphlets.

In order to show what degree of credit is due to these opinions, we shall proceed at once to quote the evidence of Drs Doyle and Murray, and of the Catholic Archbishop of Tuam, Dr Kelly.

Dr Doyle's Evidence.—' Is the claim that some Popes have set up to temporal authority opposed to Scripture and tradition?—In my opinion, it is opposed to both.

* Just. Vindic. of Ch. Eng.

† Evidence, p. 460.

‡ Ib. p. 485.

‘ Were those claims of the Pope opposed in Europe? Opposed they were; and the consequence of such opposition were many and very bloody wars; the Kings of France contended against the Popes; the Emperors properly so called, I cannot call them Emperors of Germany, for they were the Sovereigns of the Roman Empire, contended with the Popes; the Kings of Naples have had, from time immemorial, disputes upon these grounds with the Popes; and there was scarcely a Catholic Sovereign in Europe, who at one time or other, did not contend with his contemporary Pope, upon this very ground.

‘ Does the Pope at present dispose in any way of temporal affairs within the kingdoms of any Princes on the Continent? The Pope at present *does not interfere, or attempt to interfere* with the temporal concerns of any kingdom in Europe.’ (p. 191.)

‘ *Dr Murray’s Evidence.*—How far is the claim that some Popes have set up to temporal authority, opposed to Scripture and tradition? As far as it may have been exercised as coming from a right granted to them by God, it appears to me to *be contrary to Scripture and tradition.*

‘ Does the Pope now dispose of the temporal affairs within the kingdoms of any of the Princes of the Continent? Not that I am aware of; *I am sure he does not.*’ (p. 224.)

‘ Although the deposing power of the Pope is denied, may it not be revived? It is *absolutely impossible* that the deposing power of the Pope could be revived; any pretension of that kind is extinguished for ever.’ (p. 658.)

‘ *Dr Kelly’s Evidence.*—Was it ever admitted as a doctrine of the Catholic Church that the Pope had any temporal jurisdiction out of the patrimony of St Peter? It *never* was admitted as a doctrine of the universal church, that the Pope could exercise temporal jurisdiction without the limits of his own territory. There may have been some individuals who have held that opinion, but *it never could be called or considered the doctrine of the Roman Catholic Church.*

‘ Does any difference of opinion now exist in any part of Europe with regard to temporal power? I am not aware that *there is a Catholic divine in existence at present*, who holds the doctrine of the Pope having temporal power or authority over independent states.’ (p. 210.)

If we look to the usages of the different nations of Europe for more information in regard to the Pope’s power in temporal affairs, we find abundant facts to corroborate the foregoing evidence. The following description of the liberties of the Gallican Church by Archbishop Bramhall, as to the civil government of that country; is full of the most interesting information bearing directly upon this question. 1. ‘ The Pope
‘ cannot command or ordain *any thing*, directly or indirectly,
‘ *concerning any temporal affairs* within the dominions of the

‘ King of France. 2. No command whatsoever of the Pope
 ‘ can free the French clergy from their obligation to obey the
 ‘ commands of their Sovereign. 3. The commissions and bulls
 ‘ of the Pope’s legates are to be seen, examined, and approved
 ‘ by the Court of Parliament, and to be registered and pub-
 ‘ lished with such cautions and modifications as that court shall
 ‘ judge expedient for the good of the kingdom, and to be exe-
 ‘ cuted according to the said cautions, and not otherwise. 4.
 ‘ The prelates of the French church, although commanded by
 ‘ the Pope, for what cause soever it be, may not depart out
 ‘ of the kingdom without the King’s command or license.
 ‘ 5. The Pope can, neither by himself nor by his delegates,
 ‘ judge any thing which concerns the state, pre-eminence, or
 ‘ privilege of the Crown of France, nor of any thing pertaining
 ‘ to it; nor can there be any question or process about the
 ‘ state or pretension of the King, but in his own Courts. 6.
 ‘ Papal bulls, citations, sentences, excommunications, and the
 ‘ like, are not to be executed in France, without the King’s
 ‘ command or permission; and after the permission, only by
 ‘ authority of the King, and not by the authority of the Pope,
 ‘ to shun confusion and mixture of jurisdiction. 7. Neither
 ‘ the King, nor his realm, nor his officers, can be excommuni-
 ‘ cated or interdicted by the Pope, nor his subjects absolved
 ‘ from their oath of allegiance. 8. The Pope cannot impose
 ‘ pensions in France upon any benefices having cure of souls;
 ‘ nor upon any others, but according to the canons, according
 ‘ to the express condition of the resignation or *ad redimendum*
 ‘ *vacationis*. 9. Ecclesiastical persons may be convicted,
 ‘ judged, and sentenced before a secular judge, for the first
 ‘ grievous or enormous crime, or for lesser offences after a re-
 ‘ lapse, which renders them incorrigible in the eye of the law.
 ‘ 10. All the prelates of France are obliged to swear fealty to
 ‘ the king, and to receive from him their investitures for their
 ‘ fees or manors.’

The Archbishop having thus described the liberties of the
 Gallican Church, proceeds in these words—‘ *That the Kings of*
 ‘ *France, with peers, parliaments, ambassadors, schools, and*
 ‘ *universities, have all of them, in all ages, affronted and curbed*
 ‘ *the Roman Court, and reduced them to a right temper and*
 ‘ *constitution as often as they deviated from the canons of*
 ‘ *the Fathers, and encroached on the liberties of the Gallican*
 ‘ *Church; whereby the Pope’s jurisdiction in France came to*
 ‘ *be merely discretionary, at the pleasure of the King. And*
 ‘ *notwithstanding this, the Kings of France are acknowledged*
 ‘ *by the Popes themselves, to be the most Christian, the eldest*
 ‘ *sons of the church, and protectors of the Roman See!*’

In the same chapter from which this is made, the Archbishop gives many instances of the *German Emperors* having maintained the rights of the Empire, notwithstanding all the opposition of the Pope; and quotes the protestation of the Electoral College and of other Princes of the empire, in their letter to Benedict XII., namely, ‘ That they would maintain, defend, and preserve inviolate, the rights, honours, goods, liberties, and customs of the Empire, and their own electoral right belonging to them by law and custom, *against all men, of what pre-eminence, dignity, or state soever, notwithstanding any perils or mandates or processes whatsoever.*’ The Archbishop goes on to show, that the same policy was acted upon by the Kings of *Spain* and *Portugal*, and the *Venetian Republic*; all of them maintaining the rights and liberties of their respective States, with as much opposition to the Pope as to any other invader. He states, in respect to England, that, during the period when the Pope’s authority was acknowledged, his decrees never had the force of laws there, until they were previously confirmed by the King. That the Kings of England suffered no appeals to Rome out of their kingdoms; and no Roman legates to enter into their dominions without their license; and often declared the Pope’s bulls to be void. And the Archbishop having thus run through the different countries of Europe, concludes, ‘ We have said enough to show, that all Christian nations do challenge the right to themselves, to be the last judges of their own liberties and privileges.’ *

If any thing more were wanting to prove the case we have endeavoured to establish, the following words of Grotius, in his ‘ Judgment of Religion,’ † would supply it. He says, ‘ The authority of the Roman bishop would not have seemed so formidable to Dr Hall, that he should therefore cast off all hope of reconciliation, had he known *how ready the remedies are, in France and Spain to restrain the Pope* from invading the rights either of the kings or bishops.’

But, notwithstanding this accumulated proof of the non-existence of the temporal power of the Pope, such is the perseverance of the opponents of the Catholics, that pamphlets, speeches, petitions, charges and sermons, are still filled with references, to Gratian’s Decrees, the Canon Law, the First Council of Lyons, and the Third Canon of the great Council of Lateran, for the purpose of showing, that the pretension to the exercise of this power does actually *now exist* as an article of

* Just. Vindic. of Ch. of Eng. Disc. 3. c. 8. † Lond. 1653.

Roman Catholic faith; and therefore it is necessary to take some notice of these documents.

With respect to the argument that is founded on Gratian's Decrees, it cannot stand for a moment, because these decrees being the work of an individual, can claim nothing of the nature of an article of faith.* And with respect to the arguments that are founded on the Canon law, to show that the deposing doctrine is an article of faith, it is to be observed, that Bellarmine himself acknowledges several errors in the body of that law;† and other great assertors of its authority admit, that the circumstance of any particular position being found in it, does not necessarily make that position a doctrine of faith.‡ As to the deposition of the Emperor Frederick II. by Innocent IV. in the first Council of Lyons, Catholics do not believe themselves to be required, by any thing that passed in that Council, to approve of this doctrine; for, they contend, that the act of deposition was only a *judicial sentence* in a particular case, involving many matters of fact with respect to one particular person; and, as it is not the doctrine of their church to hold even a general council to be infallible *in its judicial sentences*, so they are nowise obliged to approve of such a sentence, much less to take it for a canon or rule of faith; and consequently, that all Catholics are just as much at liberty to disapprove of what was then done in the Council of Lyons, as those who do not belong to their communion. In support of the correctness of these statements, the conduct of the Gallican Church is referred to, which utterly exploded the whole volume of the Canon law called *Sextus Decretalium*. And with respect to the third Canon of Lateran, Catholics do not hold themselves obliged to believe in the deposing doctrine upon any thing that is there declared: *First*, because this canon is generally considered to be spurious. Dr Murray says, ‘The third canon of the Fourth Council of Lateran *has no authority whatever in any part of Christendom*; it never had any authority in those countries; and it was made for a particular purpose, which has long since ceased. It is exceedingly doubtful whether or not that canon was ever enacted in the Council of Lateran,—for no ancient manuscript records it; but, allowing it to have been enacted, it was done by the civil authorities of Christendom, who were

* Veron's Rule of Faith, C. 2.

† De Rom. Pont. b. 4. c. 12.

‡ Canus, Loc. Theol. b. 5. c. 5. in Resp. ad ult. & b. 6.

‘there assembled.’* The same opinions are avowed by Protestant writers; for instance, by Roffensis, in his work on the Power of the Pope,† by Collier in his Ecclesiastical History, and by Archbishop Bramhall, in his Schism Guarded: *Secondly*, because there is not a word in this canon against any prince or king, or any *supreme* lord whatever, but only against feudatories: *Thirdly*, because the Pope, when he did depose feudatories, acted upon the authority of the supreme temporal lords of the fee, who were present by their ambassadors, and consenting to it; And *lastly*, because it is only a canon of discipline, in which faith is not concerned; and which, therefore, no Catholic nation is obliged to receive.

Drs Murray, Doyle, and Kelly were examined by the Education Commissioners in April last. The following extract from the questions put to Dr Doyle, and the answers made by him, of which the other prelates who were present expressed their entire approbation, are deserving of particular attention:—

Dr Doyle's Evidence.—‘If any Council had ever, as some Protestants erroneously suppose they have, enjoined the not keeping of faith with heretics, would it be a matter of faith, or a matter of discipline?—It would not be a matter of faith, or a matter of discipline; it would be A GROSS VIOLATION OF RIGHT AND JUSTICE, and of the law of nature, which no Council could enjoin; because it would be overturning the very law of God which is anterior to all Councils.

‘Do you conceive it was ever the principle of the Roman Catholic Church, that faith might be broken with heretics, because they were heretics?—CERTAINLY NOT.

‘Do you conceive it was ever the principle of the Catholic Church,

* Evidence, p. 658. This Council was held chiefly for the purpose of concerting measures for the suppression of the heresy of the Albigenses. There were present at the Council, either in person or by their ambassadors, the two Emperors of the East and of the West, the Kings of England, France, Hungary, Arragon, Sicily, Jerusalem, Cyprus, with a great number of inferior potentates. In a note to his evidence before the Commissioners of Education, Dr Murray says in reference to this canon, that, ‘If genuine, we must remember that it does not regard mere speculative opinions, but practices of a nature so horrid, that society it was thought should, for its own preservation, endeavour to put them down: Finally, it is a decree of which, even if genuine, every Catholic is quite at liberty to disapprove; whereas it is not a definition of the Church proposing to the faithful a doctrine to be by them acknowledged and believed as an article of faith’ (Appendix to First Report, p. 796.)

† B. 1. c. 6.

that the Pope might, *jure divino*, absolve subjects from their allegiance!—CERTAINLY NOT.

‘ Do you conceive that those principles, the deposing power, breach of faith with heretics, and the doctrine that it is right to injure men because they differ from you in religion, are principles now universally condemned by the Roman Catholic Church?—*Universally condemned by the Roman Catholic Church!* and we feel humiliated when they are imputed to us by any one; for no person of knowledge could impute them to us.

‘ Should not you consider that man acted sinfully who broke his faith with a Protestant?—Just as much as if he broke it with myself.

‘ Should you not conceive it to be his duty to resist any potentate who came to invade his country, though he came with a bull of the Pope, assigning the kingdom to that potentate?—I should feel myself equally obliged to oppose the person bringing such a bull as if he came without it,—and I should feel bound to oppose him with all my might.

‘ Do you not conceive the person not doing so would be doing wrong?—Unquestionably, that he would be guilty of a great violation of his duty to the State.’ (pp. 794–797.)

III. Having thus considered the questions with respect to the supposed infallibility of the Pope, and his temporal powers in other countries, we shall now shortly discuss the question with respect to the *degree in which the Catholic Church of Ireland, and those who belong to it, are subject to the power of the Pope.*

The variety of limitations and restraints under which we have seen that the Catholic religion has existed, and still exists, in the different states of Europe, makes it very desirable to know under what precise conditions it exists and is administered in Ireland; For, as the object of all our labour is to ascertain whether or not the professing of this religion in Ireland is a just ground for disqualifying Irish Catholics for the enjoyment of political rights, we ought to be very exactly informed of the laws and regulations under which this religion is received and exercised in that country.

We have seen, that the powers of the Pope, and the discipline of the Catholic religion, differ in the various countries of Europe, according to the usages of each country respectively; and therefore it is evident how very unjust it is to urge against the claims of the Catholics of *Ireland* that *Spain* has restored the Inquisition and the Order of the Jesuits; that in *Spain* the Pope annually issues a Bull, called the Crusade, granting par-

don of all sins except the sin of heresy ; * that the Pope has, within a few years, prohibited the reading of certain books *in his own dominions* ; † that a few *Belgian* bishops have declared, that giving to all religions equal favour and protection, filled their hearts with consternation ; ‡ and that the late Pope Pius VII., some years ago, expressed a similar distaste to the new system of religious liberty in France. These things, it is plain, affect only Spain, Italy, the Netherlands, or France, and have no influence or operation in Ireland ; and until evidence can be produced to show that the Irish bishops have introduced similar usages into Ireland, or have pronounced similar opinions, these matters have about as much relation to the Irish Catholics, or to the Catholic religion in Ireland, as a tariff of the Emperor of Russia has to the customs or duties to be paid in the port of London.

In regard to the origin of the Catholic religion in Ireland, there is no reason to doubt that a regular and independent Episcopal Church has subsisted in Ireland from about the fifth century. § It was in the twelfth century, about thirty years before the invasion of Henry II., that, by the influence of Bernard, Abbot of Clairval, the Irish bishops consented to enter into communion with the Church of Rome. But the only material change which took place in consequence of this event, as to Church discipline, was, that the nomination to sees and abacies was transferred to the Pope. || But, notwithstanding this concession, the bishops reserved their rights and independence,—and they have taken care to secure them down to the present time.

With respect to the discipline of the National Catholic Church of Ireland, we learn, from the evidence of Dr Doyle, that ‘ every bishop has a complete title to his office, when once ‘ appointed to it ; that his rights are defined, from the Gospel, ‘ and from the Canon law, as well as the rights of the Pope ‘ himself ;’ and that ‘ he cannot be obliged to do any thing by ‘ the mere good will and pleasure of the Pope.’ ¶ A Catholic bishop, in point of fact, is, to all intents and purposes, as independent of the Pope in the administration of his ecclesiastical duties and powers in Ireland, as a judge in England is of the

* Blanco White, p. 40.

† Sir W. Inglis's Speech on the Catholic Bill, 1825.

‡ Mr Phelan's Evidence, p. 527.

§ Milner, v. ii. p. 487.

|| Mr Phelan's Evidence, p. 502.

¶ Dr Doyle's Evidence, p. 209. Dr Murray's evidence, p. 224.

King of England in the administration of the laws; for no bishop can be removed from his see without a regular trial, and no bishop can be put on his trial except for the breach of some known and recognised law. * Dr Doyle says, 'By the canon of the church, I, being once inducted into a bishopric, cannot be removed from that bishopric, unless I commit a canonical fault, am tried for it, and sentence passed upon me. I have a right from which I cannot be removed, more than the Pope can be removed from his see.' † It is true that no trial can be definitively settled without the concurrence of the Pope, because the trial of a bishop is one of the *causæ majores* mentioned in the Council of Sardis; but, as the evidence on a trial is taken in Ireland by a commission of Irish clergy, ‡ a bishop is thus amply protected from any arbitrary and false accusation that the Pope might set up against him.

The extent to which Irish bishops are bound to obey the Pope, is clearly defined. They promise obedience to him, by adopting the creed of Pius IV., and by the oath which they take at their consecration. The words of the creed are—'I promise and swear true obedience to the Roman bishop, the successor of St Peter.' Mr Mortimer O'Sullivan, in his evidence on this creed, says, 'it appears to me the natural interpretation of the words, that by true obedience, temporal obedience is intended.' § When, however, Dr Doyle was asked what is the proper meaning of the words, he gave a very different interpretation of them. The following is his answer.

'Of course, that we would obey him in those things to which his authority extends; namely, spiritual matters, or the execution of decrees regularly defined by general councils, and accepted of by us; for they are not all the decrees of even general councils which are received in each kingdom; for instance, the decrees of the council of Trent, regarding discipline, are not received in the kingdom of France; the decree of the council of Trent, regarding a particular discipline, is not received in the province of Dublin in Leinster, though it is received in the other parts of Ireland. All the decrees then, even those of general councils, much less all the decrees of the Pope, cannot have force unless they are received formally by the nation which they regard, or whose discipline is affected by them; each church has its rights; and those rights cannot be subverted or affect-

* Dr Murray's Evidence, p. 658.

† Lords' Evidence, p. 225.

‡ Dr Doyle's Evidence, pp. 179. 178.

§ Evidence, p. 472.

ed by any proceedings on the part of the Pope, without the concurrence of the hierarchy of such church. (p. 192.)

The following is Dr Murray's evidence respecting obedience to the Pope.

'Do the Catholic clergy admit that all the bulls of the Pope are entitled to obedience? They are entitled to a certain degree of reverence. If not contrary to our usages, or contrary to the law of God, of course they are entitled to obedience as coming from a superior. We owe obedience to a parent, we owe obedience to the King, we owe it to the law; but if a parent, the King, or the law were to order us to do any thing that is wrong, we would deem it our duty to say, as the apostles did on another occasion, "we ought to obey God rather than man." Are there circumstances under which the Catholic clergy would not obey a bull of the Pope? *Most certainly.* What is the true meaning of the following words in the creed of Pius IV.—"I promise and swear true obedience to the Roman Bishop, the successor of St Peter?" *Canonical obedience, in the manner I have just described, within the sphere of his own authority.*' (p. 224.)

So much stress has been laid by the opponents of the Catholics upon the obedience which the Irish Bishops undertake to yield to the Pope by their consecration oath, and, at the same time, so much ignorance is displayed of the very terms of that oath, that it is requisite to state every thing concerning it in the fullest manner.* Even Dr Magee, it appears, was ignorant of its terms till he was examined before the House of Lords. He says, 'There for the first time I learned that *an alteration* had taken place in that oath, as it regarded Ireland—that one sentence was omitted and another concluding sentence annexed.' Nothing can better illustrate the extreme ignorance that prevails on all matters relating to the affairs of the Catholics, by those who are most forward in opposing their claims, than this admission of Dr Magee: For it so happens, that the sentence which was omitted was '*hereticos persequar et expugnabo;*' and that the sentence that was annexed declares, that the Bishop, in taking the oath, *takes no obligation that is inconsistent with his allegiance to the King;* and these alterations were both made so far back as 1791! Dr Magee nevertheless says, speaking of a bishop who takes the consecration oath, 'I think that his oath, as a bishop, his pontifical oath, binds him to maintain the supremacy of the Pope without qualification;' and also—'the form of the oath to the Pope seems to me to be quite unqualified, so as to com-

* The oath is given at length in Dr Murray's Evidence, p. 655.

‘prohibit every thing which can bear even upon temporal allegiance!’ * Mr Mortimer O’Sullivan again objects to the bishops swearing to defend and maintain the *regalia* of the Pope—and maintains that the word *regalia* includes political claims. The same great authority also objects to that part of the oath in which the bishop promises to keep the Pope’s secrets, and to promote his rights, privileges, honours, and authority. And we learn from the late harangue of Lord Liverpool, as reported in the public papers, that he has actually brought himself to believe that ‘the Irish bishops are sworn to effect the downfall of the Protestant Church!’

We may begin what we have to say in refutation of these opinions, by stating, that the consecration oath of Catholic bishops has never been prescribed as a part of the rite of consecration by any decree of a general council of the Catholic Church. Wilfried, Archbishop of Mentz was the first bishop that swore obedience to the Pope, and, under title of Vicar of the Pope, introduced this custom among the bishops of Germany! Before that time a protestation of union with the Catholic Church by the Bishop, by letter or otherwise, was held to be sufficient. But, in *those* times, when the Popes attempted to establish their temporal dominion over kings and princes, they equally attempted to encroach upon the rights of the bishops, and to obtain a despotic authority over them, in consequence of their rights, by the canons of the Church being diametrically opposed to their assumption of temporal dominion; and hence there are good grounds for believing that the Court of Rome introduced the consecration oath, not for spiritual purposes only, but in order, in some degree, to abridge the independence and rights of bishops.

In proceeding to examine in detail, as we are now about to do, what the true import is of the consecration oath, we only request that we may be allowed to adopt the rule of construction which was acceded to by Dr Magee, in his evidence. ‘The Committee having asked Dr Magee—‘Does your Grace think that Dr Curtis or Dr Murray would be as competent to state the real import of the oath which the prelates of the Catholic Church take, as your Grace, or any of the Archbishops or Bishops of the Protestant Church?’—He answered, ‘*Certainly, much more so, I say much more competent; because the real received import I understand to be meant in the question, that which I must conceive to be the true received*

* Evidence, pp. 803, 804.

‘application of the oath—and of *that* I cannot judge.’ (p. 204.) Let us now then examine, according to this rule, the explanations of this oath that have been given by the Irish bishops.

Dr. Curtis, the Catholic Archbishop of Armagh says,—‘We take an oath at our consecration, of fidelity, as it is called; what we mean to do is to promise to him (the Pope) *canonical obedience*.’—‘We owe him no other than a spiritual authority, exercised according to the canons of the Church,—*not arbitrarily, but according to the canons of the Church.*’ (p. 223.)

Dr. Murray’s Evidence.—‘Does the consecration oath oblige Catholic bishops to obey the Pope, otherwise than according to the canons, or does it oblige them to act under any circumstances, directly or indirectly, against the allegiance which they owe to their sovereign?—*Under no circumstance does it interfere with the allegiance which is due to our Sovereign.* It is only *canonical obedience* that we promise to the Pope, as the spiritual head of our church. The duties which we owe to the Pope, and those which we owe to the King, when properly understood, are like two parallel lines which can never meet; *their object is wholly distinct.*

‘Did not this oath undergo an alteration about the year 1791?—It underwent an alteration, to meet the prejudices of those persons who mistook the meaning of the oath, and who represented it as hostile to the institutions of this country. In order to satisfy these prejudices, and to take away the ground of misrepresentation, the Catholic bishops, in 1791, applied to the Pope to have this oath modified. Some offensive expressions were left out; and in order to prove *beyond the possibility of doubt*, that the allegiance which we swear to the Sovereign of these realms remains, after that oath, as as well as before, untouched and inviolable, there was this clause added to it. “*Hæc omnia et singula, eo inviolabiliter observabo, quocertior sum nihil in illis contineri quod fidelitati meæ erga serenissimum Magnæ Britannię et Hibernię Regem, ejusque ad thronum successores debitæ, adversari possit. Sic me Deus adjuvat, et hæc sancta Dei Evangelia.*” *’

‘Were not the words “*hereticos persequar et expugnabo,*” omitted?—They were.

‘Does not the Catholic bishop swear to keep the Pope’s secrets, whenever the disclosure of them might be to the Pope’s prejudice; not to be in council with any one who shall meditate any evil design against him; that he will to the utmost of his power promote his rights, privileges, honours, and authority, and that if he be privy to any design by which the Pope may be injured, he will, to the utmost of his power, prevent it, from whatever source the assault may come,

* ‘All these things I will observe the more inviolably, because there is nothing contained in them contrary to my allegiance to the King of Great Britain and Ireland, so help me God.’

and that he will, as soon as it shall be in his power, communicate it to the See of Rome?—Certainly, such is the tenor of the oath.

‘Do you consider this altogether consistent with the allegiance due to the State?—Certainly; because the object of it is quite distinct; it regards the *canonical* obedience we owe to the Pope, as head of the Church. On this account, when we are examined at the foot of the altar, before consecration, and are asked, “Will you be obedient to the Pope, the head of the Church?” it is added, “according to canonical authority”—“*secundum canonicam auctoritatem.*” The words of course imply, that it is only that obedience which the canons require for him, as the spiritual head of our Church, that we promise him by this oath.’ (p. 655.)

Dr Doyle’s Evidence.—‘What oaths are taken by the bishops?—We take the oath of *canonical* obedience to the Pope, which means that we are to obey him as the head of the Church, according and agreeably to the discipline, as found established in the sacred canons.

‘When you state that in the oath you have alluded to, you swear that you will obey the Pope agreeably to the canons, do you mean that each individual taking that oath reserves to himself the right of judgment how far what is commanded is conformable to the canons?—I can say, that as individuals, we do reserve to ourselves that right. But then there are many canons which are of a dubious import; there are others of them which define the rights and privileges of bishops: these are known to us; but on these it is not the individual judgment of the man that he is to trust to, but the universal understanding of the bishops of the country in which he dwells. For instance, the bishops of France, and I might add, the bishops of Ireland, have always maintained that many privileges belong to their order in their respective countries, which the bishops of Belgium do not claim for themselves. Thus, then, the privileges of the Episcopal order depend upon canons that are not always universal, but which may be local; and each nation, or the bishops of each nation, understand by that clause of the oath, the privileges with which their own order is vested, not only by the universal canons of the Church, but by the canons and usages of their own particular nation.’—(Lords, p. 225.)

With respect to the word *regalia* in the oath, to which Mr Mortimer O’Sullivan so much objects, the sentence in which it appears carries with it the proof of its being perfectly harmless.

‘*Papatum, Romanum et regalia sancta Petri adiutor eis ero, ad retinendum et defendendum, SALVO MELO ORDINE, contra omnem hominem.*’ Dr Doyle says, ‘we insert in the oath a clause, “*salvo meo ordine,*” which implies that the obedience which we promise to him is not to be understood so as to trench upon our rights as bishops, or any right of the church of which we

are bishops. • The effect of the word *regalia* is also completely limited by the new clause at the end of the oath.

Notwithstanding that these explanations of the consecration oath are perfectly satisfactory, we were glad to find in Dr Doyle's evidence so decided an opinion in favour of other alterations in it. 'If a further modification of the oath,' Dr Doyle says, 'or the substitution of a *new one* in place of the 'old one were required by the British Government, of the 'Pope, *I have no doubt whatever* he would accede to it, as 'there is nothing very amiable in the oath we take at present, 'and the object of it could be as well secured by an oath of 'four lines.' †

The following evidence of the Reverend John Burnett is deserving of particular consideration, in consequence of Mr Burnett being a Protestant minister of great reputation for learning and intelligence.

'Is there not high Catholic authority, even in modern times, for several tenets which you believe to be mistaken?—Yes, but when I speak of the Catholic Church having certain doctrines attributed to it, which it does not hold, I speak of canons and decrees of councils, as the authority of the Roman Catholic Church; for they do not, when called upon distinctly to state the source of religious authority, say that that source consists in any thing but decrees and canons. The Catholic priesthood of Ireland, so far as I know any thing of them, by having often heard them from the pulpit, *always* represent their church as resting its authority on the *decrees and canons of councils; and they reject the authority even of Popes and their bulls.*

'How do they settle it when the decrees of councils are contradictory between themselves?—They have uniformly insisted, so far as I heard them upon the subject, that that is not the case.

'To what authority do they look now for their doctrines, when they are called upon to state where they are to be found?—To the *decrees and canons of general councils generally received, and to that source exclusively.*

'To no source, individual or otherwise?—No, they distinctly deny the authority of *any thing* but the decrees and canons of a general council generally received.

'Do they not adhere to the Council of Trent and the Grand Charter?—They do; they consider it the foundation of their church; they have Catechisms, books of devotion, and a variety of other works which are employed as helps to the Catholic community; but they will not admit that they possess such authority as would war-

sent any Protestant in 'quoting the sentiments contained in these books, and urging them upon them as theirs.' *

In addition to the evidence we have already quoted, to show the nature of the office of a Catholic bishop in Ireland, the following extracts are of great value, as proving what a high and perfectly independent spirit governs the Irish Catholic Bishops in all their dealings with the Pope. No circumstance that has been brought to light by the inquiries of the Committees, serves more to show that we may safely entrust the Catholics with political power, than this spirit of independence—because the best security that this country can have against any attempt on the part of the Court of Rome to abuse its authority, by meddling with our political affairs, consists in the Catholic bishops possessing those rights unimpaired which they have proved they have; and in their being actuated, at the same time, by a determination to maintain them. Dr Murray says, 'If an excommunication came from the Pope, against any one who would not assist him in acquiring temporal dominion within these realms, every bishop, and every priest in the country would feel it a duty to resist his mandate,—and to teach their flocks that they were bound to resist it.' † Dr Doyle says, 'If they (the Popes) were to attempt to interfere (with temporal affairs) at present, the interference would not only be disregarded, but scoffed at by every person of sense.' ‡—'He (the Pope) may issue bulls which regard local discipline, or other matters not already defined, and in that case, his bull would be treated by us in such a manner as might seem good to us. But we should oppose him by every means in our power, even by the exercise of our spiritual authority, if he were to meddle with the allegiance which Catholics owe to the King, by preaching the gospel to the people, and teaching them to oppose the Pope.' § And the same Right Reverend Prelate distinctly shows, in the evidence we have last quoted, that if the Pope were to attempt to act upon his right to appoint a foreigner to a bishopric, the Irish bishops would oppose him in such way as to make it impossible for the new bishop to take possession of his office. ||

That this language of Dr Murray and Dr Doyle, in regard to the readiness of the Irish bishops to oppose the Pope, is something more than mere profession, is proved by the part they took in actually opposing the Pope—and opposing him

* Lords' Evidence, 193.

† Ib. 648.

‡ Ib. 191.

§ Ib. 192.

|| Ib. 180.

too, when he was on the side of the English Government, on the question of the *veto*. On that occasion the Pope not only advised the bishops, but *ordered* them, to accede to the measure; and, in a long letter to them, said every thing that could be said to give effect to his commands: But the bishops having assembled together, *unanimously* agreed to *refuse to submit to the Pope*; and sent him a reply, asserting their own rights, and distinctly declaring that this was a case in which they could not obey him. On the whole then, with respect to all that relates to the opinions and conduct of the Catholic bishops, we may be allowed to say, that we see nothing of that ‘casuistry,’ ‘extreme flexibility,’ and ‘deluding slipperiness,’ so flippantly and ignorantly charged against all Catholic clergymen; but, on the contrary, on all occasions, when they come forward to defend themselves, and to explain what their principles and actions really are, we see candour, and manliness, and every thing that is most directly calculated to remove conscientious objections, and to allay prudent apprehensions.

Nor can we omit to notice, what very much contributes to explain the true character of the Roman Catholic religion in Ireland,—the manner of administering it by the Catholic bishops. The description of persons which compose the Catholic hierarchy and priesthood of Ireland, is now well known, from their appearance before the Committees of the two Houses of Parliament. No men, it may be affirmed, without fear of contradiction, ever stood a severer inquiry (the most severe that could be instituted) into their faith and conduct with greater credit, than the bishops and priests examined as witnesses. *

The manner in which the bishops discharge their duties in their respective dioceses may be learned from the evidence of Dr Doyle:†

1. *Unions*. On this head he says—‘There were some large parishes in the diocese, all of which, except one or two, have become vacant since my appointment, and them I have divided.’

2. *Preferment*.—‘When a parish has become vacant, if it be a place where I wish a man of experience and information, and pious

* They were, Dr Curtis, Archbishop of Armagh.
Dr Murray, Archbishop of Dublin.
Dr Kelly, Archbishop of Tuam.
Dr Doyle, Bishop of Kildare and Leighlin.
Dr Magaurin, Bishop of Ardagh.

The Rev. Mr Collins.
The Rev. Mr Duggan.
The Rev. Mr Costello.
The Rev. Mr O’Brien.
The Rev. Mr Keilly.
† Evid. 185.

habits of life to reside, and that we have not a person of that description among the curates, we take him from some other parish, where he has shewn himself to be possessed of these qualities; and I appoint him to the vacant living; and if it be a parish where a person not specially gifted is necessary, I take from among the curates some man who has laboured for several years, and whose morals have been good, and who has a capacity for giving instruction unto the public, and place him there.' p. (185.) 'The clergymen officiating within the diocese consider, and I also consider, that they have a right to such livings as may happen to become vacant, so that to bring in a stranger, and exclude them, would be in my mind very unjust.' (188.)

3. *Fees.*—'In the diocese in which I reside there was no uniform rule whereby they could be regulated, and I thought it better for the poor, and also I thought I should best consult for the character and interest of the clergy, by reducing them in some degree to rule; I therefore regulated what they should be in most cases, and the manner in which they should be collected. In order, also, to prevent any thing like harsh treatment of the poor by the clergy, I prohibited, under pain of suspension, any clergyman from withholding his ministry from any person, rich or poor, on account of dues or emoluments.' (180.)

4. *Duties of Priests.*—'The priests in my diocese are so strictly bound by the statutes of the diocese itself to give religious instruction, that, unless in a case of difficulty almost extreme, they cannot avoid giving such instruction; but yet, in general, it is given by them at great personal inconvenience, for many of them have to celebrate two masses on a Sunday, one of them at so late an hour as 11 or 12 o'clock. The priest, who thus celebrates two masses, is obliged to fast until the labour is ended; and often to ride some miles between one chapel and another. Having this heavy labour to perform, then he is not often able, particularly if he be an old man, or of a delicate constitution, to give so much instruction in public as I could wish.' (p. 199.)

5. *Education.*—'I have not ceased, during the few years I have been bishop, to promote education of every kind; but particularly of a religious kind; for this purpose I have frequently required of the clergy to seek to raise contributions amongst the people, for the purpose of building schools and assisting to pay schoolmasters, when the peasantry were not able to pay them for educating their children. Besides which, I have established in every parish within my two dioceses parochial libraries, which I have had stocked with books of religious and moral instruction exclusively; these books are given out to heads of families, upon paying a penny a week or a fortnight for the use of them;—they are given out to the poor gratis. When a man has read one of these books, he returns it to the librarian on Sunday; he gets out another; and thus every class of the people in the diocese are instructed in their moral, social, and religious duties.' (197.)

6. Translations.—‘It is not the practice in the Irish Catholic Church to make translations from one diocese to another.’—(Lords, p. 224.)

We further learn from Dr Doyle’s evidence, that the whole of this excellent Episcopal discipline, so very different from that enjoined by the bishops of other churches, and so very deserving of their imitation, is enforced by frequent visitations—when the bishop occupies himself, going from parish to parish, and not only making himself thoroughly acquainted with the conduct of his clergy, but attending with the greatest solicitude to the applications and distresses of the poor.

Although we have run the risk of wearying our readers by this long explanation of what the power of the Pope really is, and what the obedience is that is due and given to him, we cannot but think that we have conferred a signal service upon the Catholic cause, by exposing the errors that so universally prevail upon these subjects. We believe we may say, that fully one third of the upper orders, and nearly the whole of the middle and lower classes of the people, have formed opinions adverse to the Catholics, purely and conscientiously upon a notion that the Pope is supposed by them to be infallible, that he exercises a despotic authority over all Catholic bishops, priests, and people, and that all Catholics are bound to believe that he has the power of pardoning sins, setting aside oaths, deposing princes, absolving subjects from their allegiance, and sending poor mortals to hell or heaven, just as the whim or caprice of the moment may suggest! But let our readers examine the case as it really is, and they will learn that all this is mere fable; that the Pope, as successor to St Peter, is no more than the first bishop of the Catholic Church—supreme no doubt among other bishops, but only as a president amongst colleagues, who have their own Episcopal rights; that his primacy does not give him any dominion over them, as if they were his vicars or vassals; that it is, in fact, divested of all domination, prerogatives, and privileges, except so far as these are necessary for preserving unity and purity of faith, and for the due enforcing of the observance of the canons of the Church; that although he may issue pastoral decrees, declaring what, in his opinion, has been delivered down as the true doctrine, other bishops may examine these decrees, and they are of no effect until they are accepted or acquiesced in by them; that his power is entirely spiritual, and defined by the canons; and that he has no means of coercion, but those of ecclesiastical censure; that the pretensions of the Court of Rome have at all times been curbed and controlled by the usages of each particular nation;

and, finally, that the Catholic religion is administered in each nation by its own bishops, possessed of their own peculiar as well as general rights. Let any of our readers examine this case, upon the evidence, and compare the result with that view of the omnipotence of the Pope, which the Reverend Mortimer O'Sullivan attempted to make out before the Committee, and he must be convinced, we think, at once of the extreme rashness of that reverend gentleman's assertions, and of the palpable error of all who abet them.

With regard to the authority exercised by the Pope over the spiritual affairs of Ireland, the evidence given before the Committee, shows that it is entirely different from what it is commonly represented to be: For, when we examine the evidence in order to learn in what matters the Pope does really take a part, all that we can discover that he does, is as follows: 1. He gives institution to Bishops, after they have been elected and nominated to him by the Irish clergy: 2. He gives his concurrence, when such concurrence is thought necessary by the parties aggrieved, in any cause that comes under the description of the *causæ majores*; that is, of causes where faith is concerned, or heresy broached, or where a bishop is canonically accused: * 3. He gives his consent to any alterations in regulations of discipline that may be proposed to him by the Irish Bishops; and, 4th, He grants dispensations in cases where parties wish to marry who are within the proscribed degrees of consanguinity. These are the only occasions we have been able to find in the evidence, or elsewhere, on which the Pope has any thing to do in Irish spiritual affairs. All other matters of every kind concerning the administration of the Roman Catholic religion in Ireland, are entirely under the government of the Irish Bishops, conformably to their particular rights, and the discipline and usages of the Irish National Catholic Church.

Bulls, rescripts, and other documents from the See of Rome to Ireland, wholly relate, according to Dr Doyle's evidence, to what he calls 'the routine business which is carried on between the Court of Rome and us.' And he adds, 'For my part, I should have no objection whatever, that all the letters and communications which might pass between the Court of Rome and me, should be subjected to the inspection of any ecclesiastics the Government might think proper to name. For my part, I have never received any communication from Rome, nor ever will receive any, which I would hesitate to exhibit upon any public place in London.' † :

IV. But the imputation of DIVIDED ALLEGIANCE forms the grand charge made by Lord Liverpool against the Catholics. And we shall now proceed to examine whether this charge is really well founded, and *whether, in point of fact, the Catholics of Ireland give only a divided allegiance to the King?*

According to Mr Justice Blackstone, 'Allegiance is founded
 * in the nature of government, and is a debt due from the subject,
 * upon an implied contract with the prince, that so long as the one
 * affords protection, so long the other will demean himself with
 * fidelity.'—'The taking of the oath of allegiance does not in-
 * crease the *civil* obligation of loyalty, it only strengthens the
 * social tie.' * Montesquieu remarks, that the laws of religion
 have more in view the goodness of the person that observes
 them, than the general welfare of the society in which they are
 observed; and that civil laws have more in view the general
 welfare of the society. † According, therefore, to these authori-
 ties, there is a clear and total difference between the obedience
 that is required from a man by the laws of his religion, and the
 allegiance that is required from him by the laws of the state.
 The subject who gives allegiance is as much interested in giving
 it, as the sovereign is in receiving it; for it is not an obligation
 which is due to the sovereign gratuitously, but for protection
 which he is to render to his subjects. Nor is it due to him
 singly or personally, but it is equally due to every member of
 the society. In so far, therefore, as *the civil rights* of the state
 are concerned, a Catholic subject is as much interested in Ca-
 tholics bearing true allegiance as a Protestant subject is; and
 whether his Majesty's subjects are Catholics or Protestants, is
 of no consequence with regard to allegiance. The only way in
 which it could, by any possibility, be made out that the allegiance
 of a Catholic is imperfect, would be by showing that he, as a Ca-
 tholic, undertook some *civil* obligation to the Pope which was
 inconsistent with his civil obligation of allegiance to the King.
 Before, however, Lord Liverpool, or any one else, can estab-
 lish this, he must show that the Pope is now actually in the
 exercise of temporal authority in Ireland. But as we have
 already proved the reverse of this,—as we have shown that
 the Pope does not exercise any authority whatever of a
 temporal sort, it is idle to contend that Catholics are bound
 by any civil obligation to him, inconsistent with their alle-
 giance to the King. The truth is, that the duty of allegi-
 ance is altogether a public and civil duty, which is regulated
 and limited by the civil institutions of the State to which a Ca-

* Comm. p. 369.

† Sp. Laws, B. 26. c. 9.

tholic belongs; while the obedience due by him to the Pope is altogether of a private and spiritual character, and is regulated and limited by the laws of his religion. In one case, he acts as a member of a community subscribing to that great social compact, by which he consents to concede a portion of his natural rights, in consideration of civil protection; while, in the other, he acts as an individual, dealing with his Creator. Dr Murray emphatically says, 'I do not consider the Church has, by its constitution, any *political* character as a Church. I conceive that its object is wholly *spiritual*, the salvation of souls.'* And hence it is plain, that the two duties of obedience to the Pope, and of allegiance to the King, have totally different objects, and are quite different in their nature: if the argument of those who deny this to be the case were pushed to its full extent, it would end in the absurd conclusion, that obedience to God is, in every case, incompatible with allegiance to the King.

Instead of its being true that the King of these realms has reason to complain of the divided allegiance of the Catholics, the Catholics have, on the contrary, good reason to complain of the King; for, according to Blackstone, allegiance is due by the Catholic upon an implied contract, that so long as the King affords him protection, so long will he demean himself with fidelity: but as protection here, means security for the full enjoyment of all civil rights, and as the King, or rather the Government, instead of affording this security to the Catholic, withholds a considerable portion of his rights, it is clear, that Government does not perform that condition on which alone it can justly claim the allegiance of the Catholic.

But let us examine this question a little more in detail, that we may see the precise nature of the connexion between a Roman Catholic and the Pope. 'A Catholic acknowledges the Pope,' according to the evidence of Archbishop Kelly, 'as the successor of St Peter, as holding the same rank in the church as St Peter did among the Apostles, as the first bishop and head of the church, and as enjoying a primacy, not only of honour, but of jurisdiction.'†

Now, since it is this single fact of the acknowledgment of the Pope's primacy, which is the ground on which this charge of divided allegiance is made; it is very important to come to a clear understanding about it; and for this purpose it may not be amiss to refer to one or two Protestant authorities. The Duke of York, we believe, will lay more stress than we do, on the words

* Evid. 225.

† Evid. 239.

of his royal ancestor James, who, in his speech to Parliament in 1608, said—‘ I acknowledge the Church of Rome to be our ‘ mother church ;’ and in his premonition to all Christian Monarchs, he says—‘ Patriarchs I know were in the time of the ‘ primitive church, and for myself (if it were yet the question), ‘ I would, with all my heart, give my consent that the Bishop ‘ of Rome should have the first seat ; let him, in God’s ‘ name, be *primus episcopus inter omnes episcopos*, and *princeps ‘ episcoporum*.’ Mr Herbert Thorndyke of the Church of England, and prebendary of Westminster, not only acknowledges a precedence of rank in the Church of Rome, but a pre-eminency of power.* And Grotius, a somewhat higher authority, we presume to think, than Lord Liverpool or even Dr Magee, goes still further, and in his *Legacy to divided Christendom*, acknowledges a primacy in the Bishop of Rome, and this ‘ not of ‘ order only, which is little more than honorary and cere- ‘ monial, but such as unites and is according to the canons ‘ of the Catholic Church ;’ and he also declares that such a primacy, according to the canons, has been no cause of separation from the Church of Rome ; and in confirmation of these opinions, Grotius quotes the following words of Melancthon :—‘ As certain bishops preside over many churches, so ‘ the Bishop of Rome is president over all bishops ; and this ‘ canonical policy no wise man, I think, does, or ought to dis- ‘ allow ; for the monarchy of the Bishop of Rome is in my ‘ judgment most profitable, to the end that consent of doctrine ‘ may be established in this article of the Pope’s supremacy, if ‘ the other articles could be agreed upon.’† When, therefore, we thus see a Protestant King of these realms willing to acknowledge the Pope as Patriarch of the West—when Grotius admits that his primacy was no good cause of separation from the Church of Rome—and when in addition to this, we learn that it was the opinion of Melancthon that an agreement might be established in the article of the Pope’s supremacy—it really seems to be the climax of absurdity to maintain, that because a Catholic acknowledges this supremacy, he necessarily can give only a divided allegiance to the King !

But in order to make our case complete, we shall now quote the evidence of the Irish Bishops on this subject.

Dr Doyle’s Evidence—‘ In what and how far does the Roman Catholic profess to obey the Pope ? The Catholic professes to obey the Pope in matters which regard his religious faith ; and in those matters of ecclesiastical discipline which have been defined by the competent authorities.

* Epil. l. 3, c. 20, p. 179.

† Cent. Epist. Theol. Epist, 74.

‘ Does this obedience detract from what is due by the Catholics to the state? *Not in the slightest degree*; on the contrary, as the laws of God, which the Pope does enforce amongst Catholics, ordain that we should pay obedience to the existing government of the country where we dwell, so the obedience we owe to the Pope only tends to confirm us in our allegiance to such government.

‘ Does that justify the objection that is made to Catholics that their allegiance is divided? I do not think it does in any way; we are bound to obey the Pope in those things I have already mentioned; but *our allegiance to the law and the allegiance which we owe the Sovereign are complete, and FULL AND PERFECT AND UNDIVIDED, inas-much as they extend to all political, legal, and civil rights of the King or of his subjects.* I think the allegiance due to the King and the obedience due to the Pope, are as distinct and as decided in their nature, as any two things can possibly be.

‘ If the Pope were to intermeddle with the rights of the King, or with the allegiance which Catholics owe to the King, what would be the consequence so far as the Catholic clergy are concerned? The consequence would be, that *we should oppose him by every means in our power, even by the exercise of our spiritual authority.*

‘ In what manner would you exercise that spiritual authority?—By preaching to the people, that their duty to God as Catholics required them to oppose every person who would interfere in any way with the right which the law of nature and the positive law of God established in their Prince, a prince whom we as subjects are bound to support; we would, therefore, exercise our authority by preaching the gospel to the people, and by teaching *them to oppose the Pope, if he interfered in the temporal rights of our King.*’

‘ Is it well known what the things are in which the Pope cannot interfere?—Unquestionably, in *all things of a political or civil nature he cannot interfere.* There are some matters of a mixed nature wherein he may be considered as having some power; such for instance as marriage; this we consider as a sacrament, and also as a civil contract. The power of the Pope or of the Bishop extends to the spiritual qualities and effects of the union, notwithstanding the temporal character of it; but the temporal effects which flow from it are subjects of the civil law. If the Pope then, or any person connected with him, were to interfere in those temporal matters which are closely connected with spiritual things in the contract of marriage, *they would be outstepping their proper boundary, and no regard should be paid to what they would do or say or ordain; their authority can affect only the spiritual rights which would result from such a marriage.*’ *

‘ *Dr Curtis's Evidence.*—Does the obedience that Catholics owe to the Pope, detract from what is due by them to the state under which

they live?—By no means; we owe him no other than a spiritual authority, exercised according to the canons of the church, not arbitrarily, but according to the canons of the church; but we owe him no temporal obedience whatsoever.

‘Does the nature of the obedience that Catholics owe to the Pope justify the objection that their allegiance is divided to the state they live under?—By no means—we never profess any allegiance to the Pope; we take an oath at our consecration of fidelity, as it is called; what we mean to do is to promise to him canonical obedience.’

‘Is the duty that Catholics owe the Pope and their duty to the King really and substantially distinct?—Entirely distinct, and regarding different subjects totally, not to be confounded.’ *

‘*Dr Murray’s Evidence.*—Is the Pope’s authority confined altogether to a spiritual authority?—Wholly confined to a spiritual authority, according to the words of our Saviour, “My kingdom is not of this world.”’

‘To what extent and in what manner does a Catholic profess to obey the Pope?—Solely in spiritual matters.’

‘Does this obedience detract from what is due by a Catholic to the state under which he lives?—Not in the least, the powers are wholly distinct.’

‘Does it justify an objection that is made to Catholics, that their allegiance is divided?—Their allegiance in civil matters is completely undivided.’

‘Is the duty which a Catholic owes to the Pope, and the duty which he owes to the King, really and substantially distinct?—Wholly distinct. † The duties which we owe the Pope and those which we owe to the King, when properly understood, are like two parallel lines which can never meet; ‡ no excommunication, no dread, no inducement, that could be held out by the Pope, should prevail on a Catholic to transgress the allegiance he owes to his sovereign.’ §

‘*Dr Kelly’s Evidence.*—Is the duty that a Catholic owes to the Pope, and the duty he owes to the King really and substantially distinct?—The duty which the Catholic owes to the Pope, and that which he owes to the King under whom he lives, are really and substantially distinct, inasmuch as they regard different matters. The duty which he owes to the Pope is confined to matters spiritual, and affecting ecclesiastical and religious matters. This duty is by no means incompatible or inconsistent with his social duties; it does not clash in any manner with the civil allegiance which he owes to the King; on the contrary, his bounden duty as a Catholic, is to pay obedience and submission to the civil authorities.’

‘What do the principles of the Roman Catholic religion teach in respect of performing civil duties?—The principles which the Roman

* Evid. 223.

† Ibid. 655.

‡ Ibid. 224.

§ Ibid. 648.

Catholic religion teaches with regard to civil duties, are, that subjects are to obey the King, and all that are placed in authority under him; they are to be amenable to the laws of the land.*

The following extract from a pastoral address that Dr Doyle circulated in his diocese in 1822, when the Ribband Association was making progress, will serve to explain more fully what their principles are.

‘The principles of our religion, dearest brethren, on the subject of our civil duties, are clear and explicit, and the doctrine of our church respecting them, has been the same in all nations, and at all times. Christ in his lifetime paid tribute to the state, and caused Peter, the first of his Apostles, and the representative of his church, to do the same. He never belied his own maxim, “that his kingdom was not of this world,” and “he underwent the cross despising shame,” that he might “be obedient unto death,” “not only to the will of his Father, but also to the laws of his country, however unjustly administered in his regard.”—Peter said, “Fear God, honour the king.” He unites the two obligations, because one cannot subsist without the other, for if the King, or he who bears the sword, be the minister of God, an avenger to execute wrath on him who doeth evil, how can God be feared or served if his minister be disobedient?—But the Apostle did not stop here, in his Epistle to the Romans, chap. xiii. he inculcates in a special manner the broad principle of obedience to the state.—On these authorities and such as these the doctrine of the Catholic Church is founded. The design, therefore, in which it appears that some of you have entered, of subverting the state and overthrowing the government, established in this country by the Divine permission, is opposed to the maxims and example of our divine Redeemer, and to his Apostles, and to the uniform doctrine of that church whose faith you profess.’ †

But we must now bring this article to a close. We have heard, by the most complete and decisive testimony, that those theories about the overwhelming power of the Pope, and the divided allegiance of the Catholics, have no existence except in the distorted and prejudiced imaginations of those by whom they have been trumpeted forth. But though we were mistaken in all these conclusions,—though the power of the Pope was as great as Lord Liverpool has represented it,—and though his Majesty should be in the receipt only of some 20 or 30 per cent. of the allegiance of the Catholics of Ireland, still we contend, that the policy of granting complete and unqualified emancipation to them, would not be in any respect less certain and obvious. Whatever apprehension the power of the Pope may excite in the old women of the Cabinet and the

● Evid. 210.

† This Address is given at length in the Evidence, p. 665.

Tabernacle,—is the proscription of the Catholics the way to lessen it? Has not the Pope, at this moment, all the power in Ireland that he could have were emancipation granted? And if he were inclined to use that power to the injury of the Protestant religion, and the English connexion, is it not clear that he has infinitely greater means of doing so, when that Catholic population is in a state of irritation and disgust, from the denial of their rights, and the ignominious and insulting treatment to which they are exposed, than if they were conciliated by being admitted to participate in all the privileges of the constitution, and placed upon a level with their Protestant fellow-subjects? This was the argument Lord Harrowby urged in the House of Lords; and supposing the statements of Lord Liverpool with respect to the divided allegiance of the Catholics, to be as true as they are glaringly false and calumnious, every man of sense must admit that it is conclusive and unanswerable.

We intended to have quoted a variety of passages from the testimonies of the witnesses best acquainted with the state of Ireland, to show the feelings universally entertained by all ranks and orders of the Catholic population, with respect to the state of degradation in which they now are: But these we must defer to another opportunity. It is clear, as well from the nature of the case as from the statements in the evidence, that the foundations of peace, order and prosperity, can never be laid in Ireland, until the Catholics have been completely emancipated. There are, it is true, many other measures, the adoption of which is essentially necessary to stem the torrent of pauperism, and to raise the population from the abyss of poverty and degradation into which they have sunk. But the ground can never be cleared for the adoption of these measures, until the question of emancipation has been settled;—and settled it cannot be, otherwise than by *the extermination of the Catholics, or the concession of their claims!* The present miserable system cannot possibly last. Even Dr Magee admits, that if England were embarrassed by any serious war, the standard of rebellion would in all probability be raised, and an attempt made to effect the total separation of the two countries. Surely then it is the duty of all who are anxious for the permanent peace and integrity of the British Empire, to exert themselves to guard against the possibility of any such contingency: And we do hope that such an union may yet be formed among the wise and liberal of all parties, as may be able to put down the reign of bigotry and intolerance, to give peace and prosperity to Ireland, and lasting security to Britain.

We cannot take leave of this subject without expressing a

hope that the proceedings of some of the Catholic leaders may not be allowed to prejudice the cause of emancipation.* We are unwilling either to think or to speak uncharitably of the motives of those persons. But is impossible to disguise that, if they had really wished to impede the cause they profess to advocate, they could scarcely have acted in any way better fitted to attain their end. Their violent and intemperate proceedings, and their utter want of discretion, have excited disgust or alarm in those very quarters where it was most important to lay the foundation of confidence and conciliation. But the folly of these individuals ought not to be allowed to retard the success of this great question for a single moment. Every one who reflects on the subject must be satisfied that they would shrink into their natural insignificance, were emancipation granted. So long as the Catholics are treated as a degraded caste, and unjustly deprived of their rights, so long will there be disaffection and rancour brooding in their minds, which misguided ambition or instinctive turbulence may easily direct to purposes of danger. It is idle, however, to attempt to suppress the symptoms of a disorder, so long as its causes are suffered to spread their roots, and scatter their seeds on all sides. Those who are really desirous to put down the agitators of Dublin, ought to remedy the grievances of which they complain. When this is done, they will either be silent or impotent: But *until* this is done they will always have a willing auditory, and must continue to possess a great and pernicious influence.

ART. VIII. 1. *Histoire du Passage des Alpes par Hannibal.* Genève, 1818.

2. *A Dissertation on the Passage of Hannibal over the Alps.* By A MEMBER of the University of Oxford. Oxford and London, 1820.

3. *Critical Examination of Mr Whitaker's 'Course of Hannibal over the Alps ascertained.'* New Edition. London, 1825.

As it is to Polybius that we are indebted for the only consistent and intelligible account of the memorable Expedition to which we now propose to direct the attention of our readers, it may be

* A number of Irishmen resident in the United States have lately been pleased to publish an address to the Catholics of Ireland. It is about as trashy a production as we have ever read: But advantage has been eagerly taken of it, to excite a prejudice against the Catholics.

necessary, first of all, to state, in a general way, the grounds of the decided preference which we are disposed to give to his narrative as compared with that of Livy. A native of Megalopolis in the Peloponnesus, he was instructed in the principles of government and diplomacy by his father Lycortas, one of the chiefs of the Achaean League, and trained to the art of war under Philopœmon, the most renowned captain of his age, and commander-in-chief of the confederate troops. At an early age he commanded the cavalry of the League, distinguished himself by his valour against the Romans in Macedonia, and was the person selected by his countrymen to treat with the generals of that imperious republic. After the defeat of Perseus, he was sent as a hostage to Rome, where he remained for the space of seventeen years. He had not been long in that great capital, however, when his reputation as a soldier, and his acquirements as a politician and scholar, attracted the notice of the young Scipio Æmilianus, and he became the friend, counsellor, and companion in arms of that illustrious Roman. In order to collect materials for the great historical work, which he had already projected, he crossed the Alps, visited Gaul and Spain, and, in a voyage of discovery undertaken for the purpose, passed the Straits of Gibraltar, and explored the western coast of Africa as far as Cape Nun, the southern extremity of the ancient Mauritania.* Scipio favoured the design in which he had so zealously embarked, and caused the *Libri Consules*, deposited in the temple of Jupiter Capitolinus, and other historical monuments, to be laid open to his inspection. On the passing of the Senatus-consultum discharging the hostages, he returned to Greece, where he rendered important service to his countrymen, and, in particular, exerted himself to counteract the intrigues of those who wished to involve that country in a war with the Romans. But his efforts were unfortunately fruitless. The war of which he had foreseen the disastrous consequences, and which his prudent counsels had for a time retarded, broke out during his absence in Africa, whither he had accompanied Scipio on that expedition, which terminated in the destruction of Carthage. He instantly hastened to Greece; but appears to have arrived too late, that is, after the fall of Corinth. His presence was, however, useful to his country: for, though reduced into the form of a Roman province, the establishment of the new government was intrusted to Polybius, who, in the discharge of this delicate and difficult duty, acted with such wisdom and moderation as to secure for himself the full approbation of the conquerors, and, which was still more honourable, the gratitude of the conquered.

* GOSSELIN. *Recherches sur la Géographie*, I. 103.

Upon the completion of his labours, he visited Egypt; and, in the year of Rome 620, he accompanied Scipio into Spain, where he witnessed the taking of Numantia, as he had formerly done that of Carthage. He then returned to his native country, where he died at an advanced age, of an injury received by a fall from his horse.

Time and chance have wrought sad havoc among the writings of Polybius. His Memoirs of Philopoemon, his Treatise on Tactics, his Letter on the Situation of Laconia, and his History of the War of Numantia, have utterly perished; while of his *General History*, (Ἱστορία Καθολική), which extended to forty books, only a small portion remains. In its entire state, that great work comprised a period of fifty-three years, viz. from the commencement of the second Punic War, B. C. 220, till the conquest of Macedonia by the Romans, in the year B. C. 168,—a period by far the most interesting and important in ancient history, because it was productive of those great events which established the ascendancy of Rome, and paved her way to the empire of the world. But in proportion to the magnitude of the events by which that period was distinguished, must have been the value of an accurate and impartial history, written by a soldier, statesman, and scholar, the intimate friend and companion of nearly all the great men who had figured in the army or the commonwealth, and the eye-witness of much that he described. Of the forty books of which it originally consisted, only the first five have come down to us entire; of the following, as far as the seventeenth, there remain considerable extracts and fragments, particularly chapters 17 to 40 of Book XVI. *De Re Militari*, which have been sometimes published separately, under that title. Of the remainder nothing now exists except what is contained in two meagre abridgements, the one entitled *Embassies*, the other *Virtues and Vices*, which the Emperor Constantine Porphyrogenitus directed to be made in the tenth century. The part that has perished embraced the events of which Polybius was eye-witness; and the destruction of it must be regarded as an irreparable loss to history,—notwithstanding the certainty, that much of it was incorporated, and some of it still survives, in the work of Livy.

The history of Polybius differs, in the most essential points, from the works of all the writers who preceded him. Not satisfied with chronicling events in the order of their occurrence, which is one branch undoubtedly of an historian's duty, he develops the causes by which they were prepared, the circumstances by which they were accompanied, and the results which they produced; he judges of the actions of men, and delineates the characters of the agents; he proves that political power is

never a mere gift of blind fortune, but the inevitable reward of means judiciously applied, of perseverance in the face of difficulties, and of favourable circumstances improved by skill and decision; in a word, he forms the judgment of the reader, by leading him to make those reflections on past events, which alone can qualify for the administration of public affairs. Hence he may be considered as the inventor of that particular kind of historical composition, which, for want of a more appropriate term, may be denominated Rational, or *Demonstrative*, (ιστορία αποδυκτική ἢ πραγματική). * And, assuredly, history was never written by a man of greater practical good sense, more profound penetration, and more unbiassed understanding; who combined, in a higher degree, military with political science, or carried farther his respect for accuracy, impartiality and truth. The style of Polybius is not without its blemishes; for he wrote at a period when the Attic dialect was no longer spoken in its original purity: But were the censure passed upon it by Dionysius † as true as it is severe, it could form no very heavy drawback to modern readers, with whom the importance of the matter will far more than compensate the want of those idiomatic graces and elegancies of diction, to which even the most expert Hellenist now-a-days must be in a great measure insensible. ‘In Polybius,’ says the eloquent historian of Switzerland, ‡ ‘we neither find the art of Herodotus, nor the force of Thucydides, nor the conciseness of Xenophon, who says

* This species of historical composition is admirably described by Cicero: ‘Nam quis nescit, primam esse historiae legem, ne quid falsi dicere audeat? ne quid veri non audeat? ne qua suspicio gratiae sit in scribendo? ne qua simultatis? Hæc scilicet fundamenta, nota sunt omnibus. Ipsa autem exaedicatio posita est in rebus et verbis. Rerum ratio ordinem temporum desiderat, regionum descriptionem: vult etiam, quoniam in rebus magnis memoriaque dignis, consilia primum, deinde acta, postea eventus expectantur, et de consiliis significari quid scriptor probet, et in rebus gestis declarari, non solum quid actum aut dictum sit, sed etiam quomodo: et cum de eventu dicatur, ut causae explicentur omnes, vel casus, vel sapientiae, vel temeritatis; hominumque ipsorum non solum res gestae, sed etiam, qui fama ac nomine excellant, de cujusque vita atque natura.’ — *De Oratore*. iv. 15.

† *De Compos. Verb.* 8. Lips. 1691. fol. It must be confessed, however, that the style of Polybius is occasionally deformed by an intermixture of Latinisms; such as κατιγγυῶν for *despondere sibi aliquid*; δαύναι ἑαυτὸν εἰς πίστιν τινός, for *fidei alicujus se permittere*; κακῶς ἀκούει for *male audire*; ἡ καθ’ ἡμᾶς θάλασσα, for *mare nostrum*, or the Mediterranean; πεφυκὸς καλῶς, *bene natus*, &c.

‡ *Allgemeine Geschichte*, v. 2.

‘ every thing in a few words. He is a statesman full of his subject, who, indifferent to the approbation of mere men of letters, writes for statesmen; *reason* is his distinctive characteristic.’

By the peace which terminated the first Punic War, the Carthaginians had been compelled to abandon Sicily, to pay down a thousand talents towards defraying the expense of the war, and to submit to the imposition of two thousand two hundred more, payable in ten years, in name of tribute. Necessity alone made them yield to conditions so hard and humiliating. But a peace concluded on terms that in effect were tantamount to conquest, could not be lasting—or indeed any thing more than a hollow truce, procured at a great sacrifice, to gain time, and prepare for once more taking the field. Accordingly, after a short breathing, hostilities recommenced by an attack on Saguntum, a city of Spain (*Murviedro*) in alliance with the Romans, which was taken after an obstinate and protracted siege. Hannibal, to whom the conduct of the war was intrusted, now formed a project, the boldness of which was well suited to his original and daring genius: This was, to march from Spain, through Gaul, and across the Alps, into Italy—and thus to attack the Romans in the very centre of their dominions, where they had neither strong places, magazines, nor the means of retreat, should the fortune of war turn against them. It is at this point that the history of Polybius commences; * and it is with this memorable expedition of the Carthaginian Captain that we are about to occupy the attention of our readers, taking that historian as our principal guide.

This determination has not been formed on slight grounds. Till the time of our countryman the late General Melville, Livy’s obscure, confused, and frequently contradictory account of Hannibal’s march had exercised, without rewarding, the ingenuity of military and other commentators; while the clear, distinct, and intelligible account of Polybius had either been totally neglected, or at least, had not been studied with a direct and positive reference to Alpine topography. And yet ‘Livy,’ says Gibbon, † ‘appears merely as a man of letters, covered with the dust of his library, little acquainted with the art of war, careless in point of geography, and who lived two centuries after Hannibal’s expedition.’ It may well excite our surprise, therefore, that the authority of such a writer should, for one

* We say *commences*; for the two first books, containing a summary of Roman History from the taking of the city by the Gauls, till the breaking out of the second Punic War, are merely introductory.

† *Miscellaneous Works*, ii. 182. 183.

moment, have been suffered to outweigh that of a professional soldier, distinguished for his skill, accuracy and fidelity, and who, moreover, had personally explored the route of Hannibal, while that event was yet recent. But this is not the most extraordinary point of the case. To say nothing of the marvellous parts of Livy's narrative—of the God who appeared to Hannibal—of the mountains rendered accessible to him alone—of the Alpine granite dissolved by vinegar, so that elephants were enabled to pass with ease over perpendicular rocks a thousand feet in height;—to say nothing of all this, which was doubtless intended as embellishment, the Roman historian's account, as far as it is in any degree intelligible, is, strange as it may appear, plagiarised from Polybius—from an author, who never relates prodigies or deals in the marvellous, and who is always precise, perspicuous, and satisfactory. But it is easier to appropriate the statements, than to purloin the spirit of an author; and it is certain that, whether it arises from the carelessness of geography mentioned by Gibbon, or from the vitiating influence of a preconceived theory of his own, the story of Livy, taken as a whole, is neither consistent with itself, nor reconcilable with the topography of any one practicable passage over the Alps. In truth, it does no honour to Livy, and must to a certain extent, less on his credit as an historian, than, without acknowledging or relating to the source of his information, he has so liberally borrowed from an anterior work, in many places doing little more than giving a free translation of the words of the author before him; * and that with suspicious brevity, and very singular parsimony of praise, he contrives, in a posterior part of his work, † to describe Polybius, to whose history he had been so largely indebted, as '*hæreticoquam spreverit auctor.*' How different this from the opinion expressed by Cicero, when speaking of the deputies sent by Hannibal, after the battle of Cannæ, with an offer to the Roman Senate, of releasing his prisoners on ransom! Polybius, '*bonus auctor in primis, scribit!*' &c. ‡ So much for the preference of Polybius to Livy,—of the clear and consistent original, to the confused and contradictory copy.

* Compare, for example, the whole of chap. 27, book xxi. of Livy's History, with Polybius, l. iii. p. 196, (Casaubon, Paris, 1609), or Livy, chap. 28 of the same book, with Polybius, in continuation to page 197—or finally, the account of the skirmish of the Numidian with the Roman cavalry, as given in chap. 29 of Livy, with that given by Polybius in continuation,—and it will be seen that the former is slavishly copied from the latter. Similar instances might be multiplied to almost any extent.

† Livy, xxx. 15.

‡ De Officiis, iii. 22.

The radical error which has infected the speculations of all those who have turned their attention to this question, from the time of Livy to that of Mr Whitaker, appears to have consisted in their *first* adopting some hypothesis as to the shortest and most practicable road from Gaul into Italy, and *then* betaking themselves to the ancient writers—not to ascertain what road they fix upon, or, if they differ, to decide between them on the best evidence that the case admits of, but—to hunt for authorities in support of the hypotheses they had determined to maintain. In opposition to a mode of proceeding, so absurd and unphilosophical, it occurs to us that the plain course is, to inquire, not what is the best or worst, the longest or shortest road, but what road did Hannibal, according to the best authorities, actually take; and whether that road will answer all the conditions, and accord with the degree of knowledge possessed by the ancients in regard to the passes of the Alps, the tribes who inhabited the valleys embosomed in them, and the different nations whose territories lay contiguous. In the order of investigation, therefore, the state of the ancients' knowledge of the Alps comes first to be considered,—for, until we have acquired accurate notions on this head, we cannot proceed, with a right intelligence of the subject, to analyze and compare with actual observation. This is the plan suggested by the rules of logic, and is in point of fact that adopted by the ingenious author of the '*Dissertation*,' who has collected and arranged, with great industry and perspicuity, the material furnished by his predecessors, and who, by a careful and diligent examination of the different roads across the Alps, performed in the course of a tour undertaken with an exclusive reference to this inquiry, has been enabled to give to his comments on Polybius a greater degree of interest, and to stamp on his observations a higher authority, than they could possibly have possessed had he like many of his predecessors, especially Lestrange, St Simon and Whitaker, possessed no other guide than his map and compasses. It is extremely satisfactory to observe, that the result of this investigation has been to confirm in every point the theory originally broached in the notes of General Mcville, and so ably and judiciously expanded in the work of M. de Luc, which we have placed at the head of this article.

Many years ago, on his return from India, where he had held a high military command, General Mcville directed his whole attention to the study of Roman military antiquities, and spent a number of years in travelling over France, Germany, and Italy, for the purpose of exploring the scenes of the most remarkable events recorded in Roman history. Deeply conversant in Polybius, and fully satisfied of the accuracy, fidelity,

and intelligence of that historian, he resolved to collect such accurate information on the subject of Hannibal's Expedition across the Alps, as should render the truth of Polybius's narrative no longer doubtful, and set the question forever to rest. Actuated by these views, he began and pursued the inquiry with incredible zeal and perseverance; and the result was a full conviction, that Hannibal had entered Italy by the Pass of the Little St Bernard, 'both as being the most probable in itself, 'and as agreeing beyond all comparison more closely than any 'other with the description given by Polybius.' It is much to be lamented that the General drew up no regular account of his observations and discoveries, which would perhaps have been irrecoverably lost to the world, had not his notes been accidentally put into the hands of M. de Luc, nephew of the distinguished philosopher of that name, who was not only well qualified to appreciate their value, but who, from the materials thus furnished him, has drawn up a masterly commentary on Polybius, for which he is entitled to the gratitude of every classical scholar and antiquary. We may add, that these notes were shown to Mr Whitaker previous to the publication of his two solid octavos; but he appears either to have been insensible of their value, or, which is more likely, to have become so enamoured of his own fancy about the Great St Bernard, and the learning with which he had supported it, that he altogether disregarded them.

With these preliminary remarks, we shall now address ourselves to the main question, beginning with a short notice of the knowledge possessed by the ancients in regard to the different Passes of the Alps from Gaul into Italy.

Before the expedition of Hannibal, the Romans seem to have possessed but little knowledge of the Alps. Their incessant wars with the Cisalpine Gauls must, however, have led them to the foot of that gigantic chain; and they must, from many circumstances, have discovered, that the barbarians with whom they were contending had originally entered Northern Italy by some of the mountain defiles. This would seem to have been nearly the limit of their knowledge. Their intercourse with Marseilles, though established prior to the invasion of Hannibal, had been carried on by sea; and we are not aware of any passage in ancient history which would lend us to believe that, up to this time, they had made any attempt to cross the great natural barrier of Italy. This may, in part, have been owing to the barbarous condition and warlike habits of the tribes, who, from the earliest times, inhabited these mountains. Tradition indeed states, that Hercules had forced a passage over the Penine ridge, and entered Italy with a great army; but beyond

the mere legend, there is no existing memorial of such an attempt having ever been made. It was not in fact till after the expulsion of Hannibal from Italy, and till Spain and Gaul had become Roman provinces, that the legions of the republic attempted to cross the elevated chain of the Alps, and that individuals ventured to explore these wild and hitherto inaccessible regions. But when the first terrors and difficulties were surmounted, the usual enterprise and energy of that great people soon laid open a tract which had been formerly so little known. By the time of Augustus, it had become well known and frequented; regular roads had been constructed; towns had been built in the very bosom of the mountains; and an open and easy communication had been established between Italy and all parts of the empire. In a passage of Polybius that has been lost, but the substance of which has been preserved by Strabo, four routes or passages across the Alps are mentioned: The first by the Maritime Alps, that is, from Genoa, through Nice, to Arles, called the *Via Aurelia*; the second through the country of the Taurini, over the *Saltus Taurinus*, or Mont Genève, into Gaul; the third through the Salassi, over the *Alpis Graia*, or Little St Bernard, to Vienne on the Rhone; and the fourth by the Rhaetian Alps, from Milan, through Como, to Coire in the Grisons. But as Polybius visited Italy and the Alps about thirty-five years after the retreat of Hannibal, and as the four passes now enumerated were all that were known to him, we may safely conclude, that Hannibal must have entered Italy by one of them; and, therefore, we must dismiss from our consideration such as were in use only subsequent to the times of which we are now writing. No one, however, has at any time maintained that Hannibal crossed either by the Maritime or the Rhaetian Alps; and consequently, the object of our search is still further narrowed, and must ultimately be found to coincide either with Mont Genève or the Little St Bernard.

With regard to Mont Genève (*Alpis Cottia*), our earliest information is derived from Cæsar, who appears to have crossed it when marching from Italy to repel the invasion of the Roman province by the Helvetii. The account given of this march, in the Commentaries, * is singularly brief, and, from the indefinite manner in which he has expressed himself, somewhat obscure. He informs us, that, having raised two new legions, and called out three that had been quartered near Aquileia, he set out on his march to Transalpine Gaul, from Ocelum, which he describes as the extreme point of the Cisalpine province. But D'Anville, with his usual discrimination, has ascertained, that Ocelum is not the modern Exilles or Oulx, as some preceding geo-

* *De Bello Gallico*, i. 10.

graphers had supposed, but Uxeau, in the valley of Pragelas, near Fenestrelles. Strabo informs us, too, that the next station, *on the same road*, was Scincomagus, which D'Anville has determined to be Chamlat de Seinguin, on the opposite side of the Col de Sestrières. The road must, therefore, have passed over that mountain. So far the way is distinctly marked: And the author of the 'Dissertation' conjectures, that he marched along the Durance, as far down as Embrun, and thence by Gap (*Vapincum*) and Die (*Dea Verontium*) to Valence (*Valentia*), where he crossed the Isère into the territories of the Allobroges.

Thus it appears that, in the time of Caesar, there existed a Roman road over Mont Genève; but when it was first opened we are not informed. It is probable, however, that this is the road to which Pompey alludes, in a letter preserved by Sallust, where he says, 'Nomine modo imperii a vobis accepto, diebus XL. exercitum paravi, hostesque in cervicibus jam Italiae agentes, ab Alpibus in Hispaniam submovi: per eas iter aliud atque Hannibal, nobis opportunius, patefeci.'* This is unquestionably the shortest road into Gaul; but from the expression, '*iter aliud atque Hannibal*,' we may, infer, that, in Pompey's opinion, Hannibal did not pass into Italy by Mont Genève. All this, however, is in direct opposition to the statement of Livy, who distinctly avers, that the road by Mont Genève was known and frequented from the earliest times, and that by this route the hosts of invading Gauls marched into Italy. Let us examine somewhat narrowly the statement of the Roman Historian.

He tells us, † that the first inroad of the Gauls happened in the reign of Tarquinius Priscus; that Bellovesus, a Celtic prince of Gaul, having murdered the redundant population of the Bituriges, Arverni, Senones, Edui, Ambari, and other Gallic nations, in compliance, no doubt, with the theory of some ancient Melthus, emigrated at the head of this motley mass in search of settlements; that they arrived first among the Tricastini: that Bellovesus crossed the Alps by the *Saltus Taurinus*, or Mont Genève; and that, having routed the Etruscans near Ticinus, he founded Milan. Some time after this, the Cenomani proceeded, according to him, by the same route, and settled near the site of the modern cities of Brescia and Verona in the country of the Libui. The Saluvii were the third who entered Italy by the same pass. These inroads were succeeded by that of the Boii and Langones, who having penetrated across the *Mons Penninus*, or Great St Bernard, drove out the Etrusci and Umbri, and settled in their country, con-

* SALLUSTII. *Hist.* III. *Frags.*

† *Hist.* V. 31

fining themselves, however, within the Appenines, on the right bank of the Po. The second immigration through this pass, was that of the Senones, who took possession of the territory situate between the rivers Utenus (*Montone*) and Æsis (*Fiumecino*).

Now, it must be obvious to scholars, that the whole of this account is in a high degree confused and contradictory, and that it betrays an ignorance of Alpine topography altogether remarkable. First of all, the Boii and Lingones are made to scramble over the rugged and inaccessible cliffs of the *Mons Peninus*, which, according to Livy himself, could not have been passable even so late as the time of Hannibal. * In the next place, he puts the Cenomani in possession of the territory of the Libui, which was *not* situate so far east as Brescia or Verona, as it ought to have been according to his former assertion, but lay to the westward of all the other Gauls. † The author of the 'Dissertation' thinks the emigration itself apocryphal: but we see no good grounds for this conjecture. To whatever cause it may be ascribed, the roving spirit of the Gauls and other ancient nations, with their constant tendency towards emigration in search of new settlements, is matter of incontrovertible historical fact. Of this we have examples in the case of the Helvetii, in that of the Cimbri and Teutones, and in that of the German tribes under Ariovistus. Admitting the fact, therefore, that they *did* abandon their country in search of a new abode, as Livy asserts; it still remains to be explained, how they wandered so far out of the direct line of march as to the territory of the Tricastini, and even to the neighbourhood of Marseilles. It is not conceivable that the Valley of the Durance should have been better known to the Gauls than that of the Isère, which was much nearer, greatly more accessible to surveys, and infinitely more fertile. But supposing, what is utterly incredible, that these tribes actually penetrated into Italy by the *Saltus Taurinus*, or Mont Genève; how did it happen that they proceeded as far as Milan to establish themselves? There is no evidence that the whole of the intermediate territory had been appropriated by any preceding invaders. But, waiving this,—is it not much more probable, that each tribe of Gauls would attempt to penetrate into Italy by the road nearest themselves, with which they must have been best acquainted, and where they could most securely calculate on procuring

* "*Nec verisimile est, ea tum patuisse itinera; utique, quæ ad PENINUM ferunt, absepta gentibus remigermanis fuissent.* Hist. XXI. 38.

† POLYN. Hist. II. p. 103-4. Casaub.

subsistence by the way? We cannot believe that they set out at a venture, without knowing whither they were bound, or any previous communication with Italy. Nor is this mere hypothesis; it is a fact established by the positive assertion of Polybius, * and by the statement of Pliny, † who informs us, that Helico, an Helvetian, returning home from an Italian tour, and praising the wine of Lombardy, his countrymen instantly resolved to emigrate: And the probability obviously is, that the tribes which descended into Italy, and took possession of the country in the neighbourhood of Brescia, Verona, and Mantua, had penetrated through the Rætian Alps, which, as the nearest, must have been the best known to them. So much for the authority of Livy in this question.

It is Polybius, we think, who mentions that a tribe called Gacsatae—a name bestowed on them on account of their mercenary spirit—having been called in to the assistance of the Boii and Insubres in their wars against the Romans, entered Italy by the route which was afterwards pursued by Hannibal. This tribe, it has been ascertained, were Germans; and of course, if their route could be fixed with certainty, it would be decisive of the question. Now, Strabo states, that this ferocious horde were assisted in their incursion into Italy by the Sequani, who occupied Franche Compté and Upper Burgundy, and without whom, he adds, ‘they could have done nothing.’ But from the geographical position of the Sequani, they could only have aided the Gacsatae in marching directly through the territory of the Allobroges, and thence along the valley of the Isère, following the course of the river to the *Alpis Graia*, ‡ or Little St Bernard.

It would appear, however, that the passage of the Little St Bernard was anciently known by the name of *Cremonis*, or *Centronis Jugum*. ‘Coelius informs us,’ says Livy, ‘that Hannibal passed by the *Cremonis Jugum*;

* *Ubi supra.*

† PLIN. XII. 2.

‡ Some difference of opinion has prevailed respecting the etymology of the name. The author of the ‘Dissertation’ thinks it is derived from the Celtic *Grau* (*Garbh*?), a word which enters into the composition of our own *Grampians*, and means ‘rugged.’ Cornelius Nepos ascribes it to a tradition, which he mentions, § of Hercules having been the first who entered Italy by that route, at the head of an army; and as ‘the sad Purger of the infernal world’ was a *Greek*, the pass was therefore called *Saltus Graius*. The passage that contains this information is also satisfactory as to the opinion of Nepos, that Hannibal followed the same route.

§ CORN. NEP. in *Vit. Han.* 3.

that this pass led through the territory of the Salassi into that of the Libuan Gauls, who occupied Verceil (*Vercellae*), Lomello (*Laumellum*), and Pavia (*Ticinum*); which fixes the passage indicated to have been that of the Little St Bernard. But the authority of an historian so accurate, faithful and learned, as Cicero has described Coelius Antipater, † must materially strengthen the idea that Hannibal crossed the Graian Alp in his expedition to Italy. It is true, that of this author's writings no part now remains; but his opinion may be safely taken from Livy, who has involved himself in so many absurdities and contradictions by maintaining an opposite one.

For the convenience of the empire, Augustus, as we are informed by Strabo, caused two regular roads to be constructed over the Pennine and Graian Alps; and both of these, according to him, terminated at Lyons; while other authorities make the one to terminate at Lyons, and the other at Vienna, the ancient capital of the Allobroges. The road through the Centrones, by the Little St Bernard, he describes as much less precipitous and uneven than the other over the Great St Bernard, which he represents as impracticable for carriages. He asserts, too, that the road to Lyons by the Pennine, is shorter than that by the Graian Alps. This is not the fact; but if the passage referred to be construed to mean, that the tract of mountainous country is shorter by the Great than by the Little St Bernard, the statement is perfectly true. At all events, the *Alpis Graia* was known as a passage from Gaul into Italy even from the earliest times, and frequent allusion is made to it as such both in the Itineraries, and in the oldest historical records. Nor, when we consider the nature and position of the route, can we fail to discover the reason of its early discovery and use. It was central with regard to Gaul; and from the fertile valleys through which it passed, with the abundance of subsistence which might at all times be procured by the way, it presented by far the most natural and eligible line of communication between Transalpine and Cisalpine Gaul. An accumulation of probabilities would, therefore, seem to point out *this* as the road by which Hannibal marched into Italy, to grapple with the rising power of Rome, and to dispute with her the empire of the world:—And it now remains to be shown, that the narrative of Polybius coincides in every particular with the hypothesis here propounded, for which the world is indebted to the rare sagacity of the late General Melville, and which has been ably and successfully illustrated both by M. de Luc of Geneva, and by the anonymous author of the ‘Dissertation,’ already so often referred to.

* *De Orat.* II. 12.—*In Bruto*, 26.

From the account of Polybius, which it is now our purpose to follow almost implicitly, it appears that, previous to the commencement of his march from New Carthage (*Carthagera*) for Italy, Hannibal expected messengers or deputies from the Gauls.* Polybius does not tell us from what tribe or branch of the Gauls these deputies were expected; but, from several circumstances afterwards enumerated, it is evident, that the Gauls here spoken of were the Boii and Insubres. In the first place, he mentions, as one of Hannibal's motives for choosing the particular route he followed—the richness of the country situate between the Alps and the Po;† which determines the people spoken of to have been *Œsalpine* Gauls. In the next place, we find, by another passage, that the Insubres occupied the greater part of the country to the north of the Po; that their capital was Milan; and that they were a powerful nation. Their boundaries on the north and west are not exactly defined; but it is probable that, in both these directions, they extended to the foot of the Alps, which sweep round the great plain of Northern Italy in the form of a semicircle. From the same authority we learn, that the country of the Boii was situate to the south-east of the Insubres, and to the south of the Po. But the most powerful motive in determining Hannibal to wait for these Gallic deputies, and to be guided in his subsequent movements by the information derived from them, was ‘the excessive hatred they cherished towards the Romans, on account of the disasters of a preceding war.’‡ Now Polybius expressly mentions, in the second book of his History, that these nations had been at the head of a hostile confederacy entered into by a number of the States of Italy, in order to check the rising power and ambition of Rome. Hence there can be little doubt, that, in the passage referred to, Polybius alludes to the Boii and Insubres, as the Gauls from whom Hannibal expected deputies previous to setting out from Carthagera for Italy.

The importance of having this preliminary point settled before we proceed farther with the inquiry, will appear from the slightest attention to the hypothesis already propounded. Why, it may be asked, did Hannibal take so northerly a route over the Alps as that by the Little St Bernard? Why did he not adopt the more southerly, shorter, and equally convenient routes over the Cottian or Maritime Alps? Why, upon crossing the Rhone, did he incline away to the northward, instead of attempting at once to breast the Alpine defiles, and force his way

* POLYB. *Hist.* III. 188.

† *Ἀρετὰ τοῦ ἐν τῇ ἰσχυρῇ καὶ τῇ πλείῃ σαρκενῇ γῶμας*, III. 188.

‡ *ὁμοῦ καὶ τῶν ἑλλήνων* III. 188.

into Italy by the nearest road? These queries admit of most satisfactory answers. In the first place, Hannibal, at the head of an army of 50,000 men, besides beasts of burden and elephants, would naturally decide on the route that lay through the most fertile valleys of the Alps, where alone he could calculate on procuring subsistence for so great a force. But such a route is only to be found over the Mont du Chat to Chambery, and along the delightful valley of the Isère to the Little St Bernard. In the next place, the Carthaginian commander must have considered it of the greatest importance that his army,—after the fatigues, privations, and dangers of such a march,—should arrive among friends and allies, united to him by the ties of common hatred and ambition, and prepared to cover his operations till he should be ready to take the field. In the third place, Hannibal must have foreseen that he could not penetrate through the Alpine defiles without coming into collision with the fierce and warlike tribes by which they were inhabited; that this circumstance, added to the fatigues and privations to be encountered in exploring a passage through a wild and unknown region, would unavoidably disorganize his force, and render a short respite, after descending from the mountains, essentially necessary to the reestablishment of order and discipline among the motley mass of all nations composing his army; and that, without taking the necessary precautions to secure so desirable an object, he would be exposed to destruction the moment he appeared in Italy. Lastly, these Gauls—the Boii and Insubres—cherishing an implacable hatred to the Roman name, were well fitted to cooperate, as allies, with a man who, when only nine years of age, had taken an oath at the altar, ‘SE NUNQUAM FORE IN AMICITIA CUM ROMANIS,’* and who was now about to contend with them on their own soil for existence or empire. Now, as Hannibal, before commencing his march, had taken the measure of every difficulty, and provided for every casualty which his penetrating mind could foresee as likely to attend the enterprise, the above considerations appear to establish, beyond the possibility of controversy, that, after crossing the Rhone, he would move off to the northward, and when he had gained the proper point for beginning his ascent, bend his course by the best and most convenient road to the territory of the Insubres. What follows will place this in a still clearer light.

Matters being finally arranged in Spain, and the report of the Gallic deputies having proved favourable, Hannibal pre-

* CORN. NEP. in *Vit. Han.* 2.

pared to march, with an army consisting of 50,000 infantry, and 9000 cavalry. From the commencement of the march till the arrival of the army at the foot of the Alps, Polybius has carefully stated the distances, some of which were measured by the Romans, and marked at every eight stadia or mile. Neglecting those, however, that do not bear directly on our subject, we shall begin with the distance from Emporium, or Emporiac (*Ampurias*, a town in Catalonia), to the passage of the Rhone, which is given at 1600 stadia, or 200 miles.*

The army appears to have marched along the great Roman road from Emporium to Nismes (*Nemausus*), which road, according to D'Anville, crossed the Pyrenes at Bellegarde, and sweeping to the right to Elne (*Illiberis*), passed through Perpignan, Narbonne, Beziers, Point D'Ambrois, and Nismes, where it separated into two parts, of which one ran in a southerly direction to Arles, and the other in a westerly to Tarascon. It is the opinion of General Melville that Hannibal reached the Rhone a little above the modern town of Roquemaure, and there effected his passage across the river. With this opinion we entirely coincide. The point where the passage took place is in some measure determined by its distance from the *Nesus*, or *Insula Allobrogum*, formed, on two sides, by the Isère and the Rhone, on the third, by precipitous mountains, and compared by Polybius to the Egyptian Delta, from which it differs only in having one of its sides bounded by steep mountains instead of the sea. But from the point where Hannibal crossed the Rhone to the commencement of the ascent of the Alps, Polybins reckons 1400 stadia, or 175 miles; and of this space 800 stadia, or 100 miles, are assigned as the distance from the entrance of the *Nesus* to the ascent. Hence the distance from the point where the river was crossed to the *Nesus* or *Insula* was 600 stadia, or 75 miles; which is precisely the distance between Roquemaure, and the *Delta Allobrogum*.

* The distances given by Polybius are these:—

	Stadia
From the Pillars of Hercules to Carthageria	- 3000
From Carthageria to the Passage of the Ebro	- 2600
From the Ebro to Emporium	- 1600
From Emporium to the Passage of the Rhone	- 1600
From the Passage of the Rhone to the Alps	- 1400
Across the Alps	- 1200

Making the whole length of the march from New Carthage to the plains watered by the Po (*τὰ περὶ τον Πάδον πεδία*) nearly 9000 stadia, as stated by Polybius, or, allowing eight stadia to the mile, 1125 miles.

We shall reach the same conclusion from other data. Polybius incidentally mentions, that the place where Hannibal passed the Rhone was 'about *four days march* from the encampment by 'the sea.' Now, reckoning, with M. de Luc, 15 miles to a day's march, * Roquemaure would be 60 miles from the embouchure of the river. The actual distance is 64 miles. But there is yet another argument to be produced in favour of Roquemaure. The Rhone is thickly studded with islands. From Caderousse to Roquemaure, however, which is a distance of a league, it flows in an uninterrupted stream; and Hannibal, says Polybius, 'resolved to attempt the passage where the stream was unbroken.' † Again, the position of Roquemaure was favourable to Hannibal's purpose of leaving the sea behind him. A passage below the influx of the Durance would have been dangerous, and might have been impracticable, as the Rhone is there liable to sudden inundations from the melting of the snow swelling the Durance. Besides, had he crossed below the junction of these rivers, he could not have been four days' march from the sea; and, in like manner, had he crossed higher up than Roquemaure, it would have been difficult to find an uninterrupted stream (*ἀπλὴ εὐρεία*), while the distance to the *Insula* would have been less than 75 miles. We may add, that the distance from Emporium to Roquemaure, reckoned on the Roman road, along which Hannibal marched, agrees, in a remarkable manner, with the distance of 1600 stadia, or 200 miles, given by Polybius. According to the Itineraries, the distance from Emporium to Nismes is 170 miles, and from Nismes to Roquemaure 28 miles, making in all 204 miles, or only *four* more than the estimate of Polybius. From all these concurring arguments, then, we think we may conclude with certainty, *that Hannibal passed the Rhone at or near Roquemaure,—and* that we have thus obtained one fixed point with which to connect our subsequent statements and calculations founded on measures of distance.

On the evening of the fifth day after Hannibal's arrival on the banks of the Rhone, Hanno, who had crossed the river higher up, and was now advancing rapidly along the left bank, in order to fall on the enemy's rear, indicated his approach by a preconcerted signal, and almost instantly began a furious at-

* Dividing the distance by the time, the average daily rate of march of the Carthaginian army, encumbered with baggage, was 12 miles; but as halting days must be allowed for, this is obviously too little to be taken as a measure of four days' continuous march. M. de Luc's number must, therefore, be very near the truth.

† *Προχεινὴν ἀποδοῦναι τὴν διαβάσειν κατὰ τὴν ἀπλὴν εὐρείαν*, iii. 195.

tack on the enemy's camp, which, from their attention being occupied by the army in front, they had left almost defenceless. The propitious moment had now arrived. Availing himself of the consternation produced by this movement, Hannibal, who had every thing in readiness, instantly forced the passage of the river, and completed the rout of the barbarians. Military men will peruse with profit the description of this admirable manœuvre given by Polybius.*

On the sixth day 500 Numidians were despatched to procure intelligence respecting the Roman army, which was known to be approaching; and Magilus, with the other princes, deputies from *Gallia Cispadana*, were introduced to a public audience, in which they expatiated on the extent and fertility of the region to which the Carthaginian army was about to march;—declared the practicability of the passage over the Alps, with the certainty of procuring supplies on the road;—announced the inveterate hostility of their countrymen towards the Romans, to whom their bravery had rendered them formidable;—promised the co-operation of all the Cisalpine Gauls in the approaching contest;—and, finally, offered their services as guides to the army through the Alpine defiles into Italy. The statements and promises of these deputies raised the spirits of the whole army, and increased the confidence of the general, when he perceived the impression made on the soldiery by the scene got up, for the express purpose of inspiring them with resolution.

On the seventh day the army began its march, proceeding along the river to the northward, or towards its source, (*ὡς ἐπὶ τὰς πηγὰς*); and on the ninth Hannibal followed with the cavalry and elephants. Three days thereafter, that is, on the twelfth day, Publius Scipio the Roman Consul arrived at the point where Hannibal had crossed the Rhone, with the intention of offering him battle,—it never having entered into his calculations that the Carthaginian leader would have the hardihood to attempt entering Italy, except by the Maritime Alps. But before breaking up from his camp, the Consul had sent forward a detachment of cavalry to reconnoitre; and these falling in with the Numidian horse ordered to the rear for the same purpose, on the day after Hannibal had effected the passage, a combat ensued, in which the Numidians were routed and put to flight. Now, it is stated, that the Roman cavalry were *three* days in returning after this skirmish, with the intelligence that Hannibal had reached the Rhone, and that Scipio occupied the same time in marching from the mouth of the river, to the place whence the Carthaginians had set out for the Alps. But Poly-

* POLYB. *Hist.* iii. 196, 198.

bus, it will be recollected, states this place to have been *four days' march* from the embouchure of the river; wherefore *eight days* ought to have elapsed instead of *six*, before the Consul reached Roquemaure. By forced marches, however, an army may easily accomplish the ordinary distance of four days in three; and Scipio must have been anxious to try the fate of a battle, and, if possible, save Italy from the calamity of invasion. This is a fair inference from the relative position of the parties, and not as the author of the 'Dissertation' asserts, the positive statements of Polybius, who only informs us that the Consul, finding that the enemy had got the start of him by five days, retraced his steps with the utmost expedition, in order to enter Italy by the Maritime Alps, and push forward to engage Hannibal on the banks of the Po, as soon as he descended to the plain.

In four days from the commencement of his march, Hannibal reached the *Nesus* of which we have already spoken, and there found two brothers contending for the possession of the sovereign power. An arbiter suddenly appearing with near 60,000 men at his back, was of course fully qualified to decide the dispute; and being appealed to by both parties, he very prudently gave judgment in favour of the elder. This was a fortunate occurrence. The successful brother, grateful for the seasonable aid of the stranger, supplied the army with necessaries, attended it with an escort of his own troops, and covered the rear from the attacks of the Allobroges. The latter, though they followed the march of the army, kept at a respectful distance till it approached the point of the mountainous range where it was to begin the ascent. Here Hannibal found them encamped in great force on the heights, and was compelled to take up a position in front. Such is a rapid outline of the march from the passage of the Rhone to the point where the bold invader first found it necessary to halt.

It will be remembered, that the infantry were two days march in advance of the cavalry and elephants, with which the General himself brought up the rear. In four days he reached the *Nesus* * from the place where he had crossed the river,

* As the whole length of the march from the passage of the Rhone to the ascent of the Alps was 175 miles, 100 of which were within the *Delta Allobrogum*, it follows of course, that the distance from Roquemaure, where Hannibal crossed the river, to the commencement of the *Delta*, was 75 miles, which is the actual distance between Roquemaure and Port l'Isère. We have seen, too, that this *Delta* or *Nesus* was bounded on two sides by the Rhone and the Isère, and on the third by the outward range of the Alps.

which, as the distance between these two points was 75 miles, gives a rate of $18\frac{1}{2}$ miles per day,—moderate enough certainly, when we consider that he marched at the head of elephants and cavalry. By the same data we find the infantry, who had set out two days earlier, marched at the rate of $12\frac{1}{2}$ miles per day, which is the mean of a day's march, reckoned from Emporium to the Rhone.

The account given of the *Insula* itself is most clear and distinct. It is described as 'fertile and populous,' (σιτόφορος καὶ πολύοχλος); and if we lay out of view the curvature of the Rhone at Lyons, which, from the general direction he assigns to the river,* Polybius appears to have overlooked, the assertion, that it resembles both in form and extent the Egyptian Delta, will be found to be perfectly correct. This resemblance of the *Nesus* is a most important consideration, as it enables us to determine its position with the greatest possible certainty, and forms a main link in the chain of circumstantial evidence, by which we hope finally to place the hypothesis of General Melville beyond the reach of controversy.

Through this Delta, then, Hannibal had to march 100 miles before he reached the point at which he had resolved to deflect to the right and to ascend the Alps. But had he marched the whole way literally 'along the river,' (παρὰ τοῦ ποταμοῦ)

In describing the boundaries of this *Nesus* or *Delta*, Casaubon, (*Polyb.* iii. 202.) reads Ἀράρης instead of Ἰσάρας, which Schweighauser has restored. In some of the earlier editions of Polybius it is Σκάρης, a corruption of Ἰσάρας, which General Melville found to be the reading in an ancient MS. of Polybius preserved in the Vatican. The same correction must be applied to the following passage of Livy: 'Quartis castris ad *Insulam* pervenit; ibi ARAR (*Isara*) Rhodanu-que amnes, diversis ex Alpibus decurrentes, agri aliquantum amplexi, confluent in unum. Mediis campis *Insulae* nomen inditum: incolunt propè Allobroges, gens jam inde nullâ Gallicâ gente opibus aut famâ inferior:' xxi. 31. Edinb. Rud. 1751. It may also be noticed, that in an old MS. of Livy, which M. de Mandajors saw in Trinity College, Cambridge, the word BISARAR (*Ibi Isara*) was written on the margin for ARAR, in the passage first quoted. A more fortunate restoration critical skill and sagacity have never made. Classical scholars are not always geographers; otherwise Ruddiman would never have allowed *Arar* to remain in the text of Livy. It is only necessary to cast a single glance over a map to see the impossibility of the Saône (*Arar*) and Rhone forming two sides of a *Delta* having the third side bounded by the Alps.

* According to Polybius, the Rhone flows in a direction from NE. to SW.; which is only true if its source and embouchure, taken as two extreme points, be connected together by a straight line.

he must have travelled over double this distance before he arrived at Yenne (*Etanna*), where the Alps commence to those ascending the stream. We must, therefore, interpret the phrase not literally, but generally, regarding it as descriptive of the greater part, not the whole of his route, and believing that the prince whom he had won over to his interest, would conduct him by the safest and shortest road to his destination. M. de Luc thinks that he quitted the Rhone at Vienne (*Vienne Allobrogum*) and fell in with it again at St Genix; an opinion which is confirmed by a consideration of the distance, as the length of the way from Port de l'Isère to Vienne, and thence to Yenne (*Etanna*) by the Roman road, is 97 miles. General Melville was however of opinion, that the army left the Rhone at St Rambert, and crossed the first chain of the Alps at Echelles. The objection to this supposition is, that it disagrees with the distances as given by Polybius, while that of M. de Luc coincides with them, within the limits of a very small error.

A remarkable discovery made in the year 1714, affords additional confirmation to De Luc's hypothesis. In a field near the village of Passage, which is to the south of Tour du Pin, a farmer accidentally discovered a round plate of silver, 27 inches in diameter, and in a state of high preservation. This singular relic, now in the Royal Library at Paris, is fluted in radial lines from the circumference of a small circle in the centre, charged with the bearings of a lion under a palm tree, and, below, the leg and hoof of a goat, executed not in line engraving or in relief, but by means of small dots or points. Now, in the first place, the style of the engraving clearly proves, that the *bouclier* in question is not of Roman workmanship; and secondly, it is known to Numismatical Literati, that a lion under a palm-tree, with the leg and hoof of a goat below, is the uniform device on every Punic coin that has been discovered or preserved. But, as we learn from Polybius, that Hannibal sacrificed on great occasions, and was generally observant of the forms of his superstition,—in proof of which we may refer to what took place at the assembly where Magilus and the other deputies attended,—it is probable that this *bouclier* was a votive tablet placed by him in some shrine or temple at or near Passage, previous to commencing the arduous and perilous ascent of the mountains. The situation of Passage, which, according to a current tradition, derived its name from this event, is extremely favourable to such a supposition. It stands on a considerable eminence—commands an extensive view of the rocky barrier which forms one side of the *Delta Allobrogum*—and is, moreover, the first place in Hannibal's line of march where such a view could have been obtained. The conclusion,

therefore, is, that the *boutlier* is, in all probability, Carthaginian; and that Hannibal deflected from the river at Vienna and moved off to the Alps, in a line drawn through that place and the village of Passage.

Polybius goes on to state, that Hannibal, having on the tenth day, cleared the *Nesus*, began his ascent of the Alps; and the author of the 'Dissertation' conjectures, that he encamped at Chevelu (*Lavisco*), the entrance of the pass over the Mont du Chat, and distant from Port de l'Isère 98 miles,—or only two miles less than the distance given by Polybius. We cannot afford room for even an abridgment of the induction, by which it is proved, from a careful examination of all the passages in the mountains forming one side of the Delta, that Hannibal must have carried his army over the Mont du Chat; it is sufficient to state, that it seems to us entirely conclusive. It appears, however, that anciently, there was a Roman road over this mountain; but it was probably constructed after Hannibal had pointed out the practicability of the passage. The Chevelu pass is much lower than any other part of the mountain,—it presents much less appearance of difficulty, and, in every respect, agrees with the *ἑυκαταὶ τόποι* of Polybius, through which alone the army could pass. From Chevelu to the top of the mountain the ascent is about two miles, and on the top there is an esplanade about 300 yards square. The road up this acclivity is by no means bad. In 1815, the Austrians passed it in considerable force, with all their baggage and artillery. Lyons is visible from the summit of the Mont du Chat. If the Chevelu pass formed part of a Roman road, as there is every reason to believe it did, then the fair inference seems to be, that if not the nearest, it was the best, because the most practicable route for the Carthaginian army, in the circumstances in which it was placed.

It was at this pass that Hannibal found the enemy drawn up in force; but learning from his guides and scouts, that they retired from their strong position during the night, and returned to it with the earliest dawn, he determined to avail himself of their nocturnal desertion. With this view, as soon as it was dark, he pushed forward his light troops, occupied the pass, and when day light appeared, began, without a moment's delay, to thread the defile. The Allobroges,* astonished at

* The Allobroges who attacked Hannibal were under the command of *κατὰ μέρος ἡγούμενοι*, *duces minores*; and were probably a portion of that warlike tribe, who resented Hannibal's decision in favour of the elder of the two brothers, rival competitors for the sovereignty.

finding themselves anticipated, refrained for some time from making any attack; but observing some confusion among the horses and beasts of burden—which found extreme difficulty in extricating themselves from the bad road—they instantly commenced a furious assault from the adjoining heights. This, however, was soon repulsed by a charge of the light troops down a sloping side of the eminence on which they had taken post; and Hannibal improving his success, became the assailant in his turn, and took by storm their chief town, where he found a most seasonable supply of horses, cattle, and provisions.

The Mont du Chat answers in every particular to this description. A rock, which rises in the middle of the pass, would, if occupied even by a handful of resolute men, render it impossible for an enemy to advance. This rock was, in all probability, the position occupied first by the Allobroges, and afterwards by Hannibal. Polybius says, that the road was so rugged (*τραχύλα*) and precipitous (*κρημνώδης*), that the least mistake or trepidation among the beasts of burden and the cavalry, was sure to lead to their destruction. And the author of the 'Dissertation' informs us, that this is precisely what might be expected to happen at the pass under similar circumstances,—and that a personal inspection of the ground leads to an intense conviction of its identity with that through which Hannibal penetrated. He also conjectures, with much appearance of reason, that the town which Hannibal took by assault, and where he found so seasonable supplies for his army, was not Chambery, which is seven miles distant from the pass of Mont du Chat, but Bourget, which is in its immediate neighbourhood. The Allobroges retired every night, and returned to re-occupy their position in the morning; and it would appear from Polybius, that the town to which they regularly retreated, and that taken by storm, were one and the same. But Chambery is at too great a distance to admit of this having taken place; wherefore Bourget, at the entrance of the fertile plain in which Chambery stands, has been fixed on; and this conjecture is confirmed by the coincidence of the actual distances with those given by Polybius.

After the storming of Bourget, the army encamped and rested for one day. In effecting the whole passage, the length of which, according to Polybius, is 1200 stadia, or 150 miles, fifteen days were spent; therefore, proceeding from the datum, that the army encamped the first day at Bourget, in the plain of Chambery, we can hardly err in the rest. From Chambery the road leads to Montmeillan and the valley of the Isère, along which, till the fourth day, the army proceeded in safety. On

that day * it was exposed to the greatest dangers. The people of the country through which they were passing came out to meet them with boughs and garlands, the emblems of peace and friendship,—offered hostages for their sincerity,—supplied the army with provisions and cattle,—and seemed anxious by every means to impress Hannibal with a favourable opinion of their intentions. But all this parade did not deceive the Carthaginian chief, who suspected treachery, but thought it prudent to dissemble, and to try to conciliate by assuming the appearance of confidence. Accordingly, he pretended to believe in their professions of amity, and, as a proof of his faith, accepted their offer of supplying him with guides. In spite of all his vigilance and distrust, however, the army, two days after this, was suddenly attacked on all sides by these artful barbarians, who had got possession of the surrounding heights. They were repulsed with difficulty, after a desperate struggle, in which the principal loss fell upon the invaders. To use a modern military term, Hannibal bivouacked the sixth night on ‘a *White Rock*, strong by its position,’ in order to cover the passage of his army; and, on the morning of the seventh day from the capture of Bourget, and the ninth from the passage of the Mont du Chat, he marched, without further molestation, to the summit of the highest ridge of the Alps.

There cannot now, we think, be a doubt, that Hannibal must have passed by the Little St Bernard. It is certainly true, that a modern road from Chambery and Montmélian leads over Mont Cenis; but, in Strabo's list of the passages known to Polybius, this is not mentioned as one; and, besides, the country through which it runs is so steril, that 60,000 men could never have found subsistence had they attempted to proceed by that route. The valley of the Isère, by which we suppose Hannibal to have passed to the Little St Bernard, is, on the contrary, the most fertile and populous of any embosomed in the Alps. The population, in Hannibal's time, is proved to have been considerable, by the numbers that hung on his rear. But wherever there is people there must be food; for population has, in all ages and countries, been regulated by the means of subsistence. The case, therefore, stands thus: Hannibal's army drew its supplies from the country through which it marched; the valley of the Isère is the only country in the Alps that could have furnished such supplies; therefore, the army must have marched through this valley. But if it marched through this valley, it must also have crossed the *Alpis Græia*, or Little St Bernard, because it was impossible to cross any where else. *

* In confirmation of this deduction, it may farther be observed, that the time occupied in passing through the valley of the Isère,

In his account of the sudden and treacherous attack of the barbarians, Polybius informs us, that had not Hannibal, distrusting the professions of the wily mountaineers, taken the precaution to place his heavy baggage and cavalry at the head of the line of march, and the *élite* of his army in the rear, the whole must have inevitably perished. The loss sustained was nevertheless great; and, what was more distressing to a veteran army, they were never able to come fairly in contact with the enemy. Enormous masses of rock were rolled down on them from the heights, carrying confusion and death into the centre of the columns, which could neither advance nor retreat; and had it not been for a bold and masterly manœuvre, that day would, in all probability, have terminated the career of Hannibal. Observing at this crisis, that the enemy had neglected to occupy a huge insulated rock (*λευκοπέτρων ὄρυρον*) which commanded the defile, he instantly took post on it with half his infantry, and was thus enabled to keep the assailants in check, till the rest of the army had cleared the gorge of the pass, which was with difficulty accomplished in the course of the night. On the following day, the enemy having discontinued all regular attacks, and confined themselves to predatory attempts on the baggage, Hannibal put himself at the head of the column with which he had occupied the strong position above mentioned, and marched to join the rest of the army at the summit of the highest ridge of the Alps, where he encamped for two days.

Guided by this account of Polybius, General Melville first,

coincides in a remarkable manner with the actual distance from the plain of Chambery to the Little St Bernard. According to the Itineraries, the distance from Chambery (*Lemincum*) to Bourg Evvescal (*Montula*), is 16 miles; from Bourg Evvescal to Conflans (*Ad Publicanos*), 16 miles; from Conflans to Salins (*Darantasia*), 16 miles; from Salins to Aynie (*Arima*), 10 miles; from Ayme to Bourg St Maurice (*Bergintrum*), 8 miles; and from Bourg St Maurice to Scez, 2 miles,—making in all 68 miles, not 70, as the author of the ‘Dissertation’ erroneously states. To this, however, must be added 7 miles, for the distance between Chambery and Bourget; and thus we have 75 miles performed in six days, or $12\frac{1}{2}$ miles each day, which is the usual average. The author of the ‘Dissertation,’ who explored personally every inch of the ground, informs us, that the general aspect of this tract of country corresponds with the description of Polybius, even in the most minute particulars; and that from Scez, the last stage above mentioned, the passage of the Little St Bernard opens in front in a manner not by any possibility to be mistaken. On both sides, the mountains are lofty, precipitous, and covered with snow, while the pass in question presents itself as low and practicable.

and the author of the 'Dissertation' many years afterwards, found the localities to correspond in every particular with the historian's description. On the left bank of the Reclus, an Alpine torrent, the channel of which is frequently dry, stands a lofty *White Rock*, composed of gypsum, and universally known in the country by the name of *La Roche Blanche*. At this point the bed of the Reclus is steep and rocky, answering to the description of Polybius (*φάρυγξ τινα δυσβατος καὶ κρημνώδης*); while, on the other side of the insulated mass of gypsum, is a deep woody ravine. The author of the 'Dissertation' is of opinion that the army marched by the line of the Roman road, which, though more exposed, must have been less rugged and impracticable than the channel of the torrent; but, as this supposition does not seem to accord with the statement of Polybius, it is probable that they advanced in two columns, the cavalry and baggage taking the easier and better road. *La Roche Blanche* is admirably calculated for purposes of defence. It commands the whole plain of *Scez*, and would therefore enable Hannibal to act equally against the enemy on the heights above *St Germain*s, and on both sides of the line of the Roman road. Hence we agree with General Melville and M. de Luc in attaching much importance to this remarkable physical feature in the topography of the route; and we are confirmed in this opinion by the circumstance, that, in the bed of the Reclus, there have been discovered, at different times, huge bones, which, from their size, must have belonged to elephants, and are, doubtless, the remains of the animals which rushed over the precipice with their burdens, when infuriated by the wounds they had received from the missiles of the enemy. Another corroborative fact is the extreme difficulty of the road, and the time spent in clearing the ravine. General Melville, who made a careful and minute survey of this tract of country, bears the strongest testimony to its entire and striking agreement in every particular with the account given by Polybius.

Altogether, however, this is the easiest road over the Alps; *Saussure* calls it '*Le passage des Alpes le plus facile que je connoisse*'; and it is undoubtedly that most distinctly marked out by the hand of nature. Neither the passage over the *Mont du Chat*, nor the road along the valley of the *Isère*, nor, finally, the passage over the *Little St Bernard* could, by any possibility, be missed or mistaken by a general who had once entered on the tract; and, accordingly, we find that Hannibal's army never wandered, or mistook their way, which is, doubtless, as much to be ascribed to the distinctness of the route as to the knowledge or fidelity of the guides. So convinced of this was the

late Emperor of France, that, previous to his abdication in 1814, he had made extensive preparations for constructing a new road over the Alps, analogous to that of the Simplon, and nearly in the line of march which we suppose Hannibal to have followed: Nor would he have encountered any serious difficulties in the execution of the project, had political events suffered it to proceed; for, as we have already mentioned, a column of Austrians 6000 strong, with ten pieces of cannon and baggage, effected the passage, in 1815, with very little loss, marching by the wretched road which it had been Napoleon's intention to improve and render practicable for carriages of every description.

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At the commencement of the descent the army experienced great and unexpected difficulties; and sustained a loss almost equal to that they had suffered during the whole of the previous march. The road being covered by recent snow, which had fallen on the unmelted snow of the preceding year, (a rare occurrence in that part of the Alps), the yielding of the former, and the slipperiness of the congealed surface of the latter, rendered it almost impossible for the cavalry to advance: Both men and horses were hurried in a moment over the precipices; and the smallest slip was productive of the greatest confusion and disorder among those in the rear. It must have required all the genius and ascendancy of Hannibal to support the courage

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of his army in such trying circumstances. But this was not all—not even the worst. After struggling for some time through the Alpine snows, they at last came to a place which seemed the *ne plus ultra* of the march, and had well nigh thrown them into irretrievable confusion and despair. On a steep declivity, extending about a stadium and a half, or nearly 1000 feet, the earth, which was loose, had been carried away, leaving an almost perpendicular rampart of rock, and thus precluding the possibility of advancing farther in that direction. By a circuitous route Hannibal attempted to turn this obstruction; but after incredible efforts was compelled to desist. He then deliberately encamped the troops in the pass, and employed the whole army in constructing a road for the baggage and cavalry, which they effected in one day. The horses were then sent forward and distributed among the pastures. In three days more the Numidians succeeded in rendering the road practicable for the elephants, which were by this time nearly starved to death; and after they had cleared this difficult and dangerous pass, the General collected his army, and descended into the territory of the Insubres, where he encamped for some time, in order to refresh the toilworn and exhausted soldiery. Upon making a muster of his forces, he found that nearly one half had perished in the course of this memorable passage.*

Polybius expressly says, that Hannibal performed this memorable passage in fifteen days. But we have seen that he reached the summit of the Little St Bernard on the morning of the ninth day, and encamped there two days, of which the ninth must be reckoned one. In one day more a road was opened for the cavalry and baggage, which therefore began their descent on the twelfth day; and in three days thereafter the way was practicable for the elephants. Thus we have the fifteen days which Polybius fixes as the time of the passage. It appears, therefore, that from the moment the road was rendered practicable for the elephants, he appears to have considered the passage as terminated; notwithstanding he had mentioned a little before that Hannibal was three days in reaching the plain from the time that the path was constructed for the cavalry and baggage; a statement which would give eighteen days as the complete time of the passage. But when Polybius restricted it to fifteen days, he probably meant that in that time the chief difficulties of the march were overcome. As the passage, however, was not completed till Hannibal reached the plains

* Livy says he lost 30,000 men in all, which is probably exaggerated.

which, as the distance between these two points was 75 miles, gives a rate of $18\frac{3}{4}$ miles per day,—moderate enough certainly, when we consider that he marched at the head of elephants and cavalry. By the same data we find the infantry, who had set out two days earlier, marched at the rate of $12\frac{1}{2}$ miles per day, which is the mean of a day's march, reckoned from Emporium to the Rhone.

The account given of the *Insula* itself is most clear and distinct. It is described as 'fertile and populous,' (σιτόφορος καὶ πολυπληθής): and if we lay out of view the curvature of the Rhone at Lyons, which, from the general direction he assigns to the river,* Polybius appears to have overlooked, the assertion, that it resembles both in form and extent the Egyptian Delta, will be found to be perfectly correct. This resemblance of the *Nesos* is a most important consideration, as it enables us to determine its position with the greatest possible certainty, and forms a main link in the chain of circumstantial evidence, by which we hope finally to place the hypothesis of General Melville beyond the reach of controversy.

Through this Delta, then, Hannibal had to march 100 miles before he reached the point at which he had resolved to deflect to the right and to ascend the Alps. But had he marched the whole way literally 'along the river,' (παρὰ τοῦ ποταμοῦ)

In describing the boundaries of this *Nesos* or *Delta*, Casaubon, (*Polyb.* iii. 202.) reads Ἀράγος instead of Ἰσάριος, which Schweighauser has restored. In some of the earlier editions of Polybius it is Σαράγος, a corruption of Ἰσάριος, which General Melville found to be the reading in an ancient MS. of Polybius preserved in the Vatican. The same correction must be applied to the following passage of Livy: 'Quantis castris ad *Insulam* pervenit; ibi ARAR (*Isara*) Rhodanusque amnes, diversis ex Alpibus decurrentes, agri aliquantulum amplexi, confluent in unum. Mediis campis *Insulae* nomen inditum: incolunt propè Allobroges, gens jam inde nullâ Gallicâ gente opibus aut famâ inferior:' xxi. 51. Edinb. Rud. 1751. It may also be noticed, that in an old MS. of Livy, which M. de Mandajors saw in Trinity College, Cambridge, the word BISARAR (*Ibi Isara*) was written on the margin for ARAR, in the passage first quoted. A more fortunate restoration critical skill and sagacity have never made. Classical scholars are not always geographers: otherwise Ruddiman would never have allowed *Arar* to remain in the text of Livy. It is only necessary to cast a single glance over a map to see the impossibility of the Saône (*Arar*) and Rhone forming two sides of a *Delta* having the third side bounded by the Alps.

* According to Polybius, the Rhone flows in a direction from NE. to SW.; which is only true if its source and embouchure, taken at two extreme points, be connected together by a straight line.

he must have travelled over double this distance before he arrived at Yenne (*Etanna*), where the Alps commence to those ascending the stream. We must, therefore, interpret the phrase not literally, but generally, regarding it as descriptive of the greater part, not the whole of his route, and believing that the prince whom he had won over to his interest, would conduct him by the safest and shortest road to his destination. M. de Luc thinks that he quitted the Rhone at Vienne (*Venna Allobrogum*) and fell in with it again at St Genix: an opinion which is confirmed by a consideration of the distance, as the length of the way from Port de Plsère to Vienne, and thence to Yenne (*Etanna*) by the Roman road, is 97 miles. General Melville was however of opinion, that the army left the Rhone at St Rambert, and crossed the first chain of the Alps at Echelles. The objection to this supposition is, that it disagrees with the distances as given by Polybius, while that of M. de Luc coincides with them, within the limits of a very small error.

A remarkable discovery made in the year 1714, affords additional confirmation to De Luc's hypothesis. In a field near the village of Passage, which is to the south of Tour du Pin, a farmer accidentally discovered a round plate of silver, 2½ inches in diameter, and in a state of high preservation. This singular relic, now in the Royal Library at Paris, is fluted in radial lines from the circumference of a small circle in the centre, charged with the bearings of a lion under a palm tree, and, below, the leg and hoof of a goat, executed not in line engraving or in relief, but by means of small dots or points. Now, in the first place, the style of the engraving clearly proves, that the *bouclier* in question is not of Roman workmanship; and secondly, it is known to Numismatical Literati, that a lion under a palm-tree, with the leg and hoof of a goat below, is the uniform device on every Punic coin that has been discovered or preserved. But, as we learn from Polybius, that Hannibal sacrificed on great occasions, and was generally observant of the forms of his superstition,—in proof of which we may refer to what took place at the assembly where Magilus and the other deputies attended,—it is probable that this *bouclier* was a votive tablet placed by him in some shrine or temple at or near Passage, previous to commencing the arduous and perilous ascent of the mountains. The situation of Passage, which, according to a current tradition, derived its name from this event, is extremely favourable to such a supposition. It stands on a considerable eminence—commands an extensive view of the rocky barrier which forms one side of the *Delta Allobrogum*—and is, moreover, the first place in Hannibal's line of march where such a view could have been obtained. The conclusion,

therefore, is, that the *bouclier* is, in all probability, Carthaginian; and that Hannibal deflected from the river at Vienne and moved off to the Alps, in a line drawn through that place and the village of Passage.

Polybius goes on to state, that Hannibal, having on the tenth day, cleared the *Nesus*, began his ascent of the Alps; and the author of the 'Dissertation' conjectures, that he encamped at Chevelu (*Larisco*), the entrance of the pass over the Mont du Chat, and distant from Port de l'Isère 98 miles,—or only two miles less than the distance given by Polybius. We cannot afford room for even an abridgment of the induction, by which it is proved, from a careful examination of all the passages in the mountains forming one side of the Delta, that Hannibal must have carried his army over the Mont du Chat; it is sufficient to state, that it seems to us entirely conclusive. It appears, however, that anciently, there was a Roman road over this mountain; but it was probably constructed after Hannibal had pointed out the practicability of the passage. The Chevelu pass is much lower than any other part of the mountain,—it presents much less appearance of difficulty, and, in every respect, agrees with the *εὐκαίριος τόπος* of Polybius, through which alone the army could pass. From Chevelu to the top of the mountain the ascent is about two miles, and on the top there is an esplanade about 300 yards square. The road up this acclivity is by no means bad. In 1815, the Austrians passed it in considerable force, with all their baggage and artillery. Lyons is visible from the summit of the Mont du Chat. If the Chevelu pass formed part of a Roman road, as there is every reason to believe it did, then the fair inference seems to be, that if not the nearest, it was the best, because the most practicable route for the Carthaginian army, in the circumstances in which it was placed.

It was at this pass that Hannibal found the enemy drawn up in force; but learning from his guides and scouts, that they retired from their strong position during the night, and returned to it with the earliest dawn, he determined to avail himself of their nocturnal desertion. With this view, as soon as it was dark, he pushed forward his light troops, occupied the pass, and when day light appeared, began, without a moment's delay, to thread the defile. The Allobroges,* astonished at

* The Allobroges who attacked Hannibal were under the command of *κατὰ μέρος ἡγεμόνες*, *duces minores*, and were probably a portion of that warlike tribe, who resented Hannibal's decision in favour of the elder of the two brothers, rival competitors for the sovereignty.

finding themselves anticipated, refrained for some time from making any attack; but observing some confusion among the horses and beasts of burden—which found extreme difficulty in extricating themselves from the bad road—they instantly commenced a furious assault from the adjoining heights. This, however, was soon repulsed by a charge of the light troops down a sloping side of the eminence on which they had taken post; and Hannibal improving his success, became the assailant in his turn, and took by storm their chief town, where he found a most seasonable supply of horses, cattle, and provisions.

The Mont du Chat answers in every particular to this description. A rock, which rises in the middle of the pass, would, if occupied even by a handful of resolute men, render it impossible for an enemy to advance. This rock was, in all probability, the position occupied first by the Allobroges, and afterwards by Hannibal. Polybius says, that the road was so rugged (*τραχέα*) and precipitous (*κρημαίνουσα*), that the least mistake or trepidation among the beasts of burden and the cavalry, was sure to lead to their destruction. And the author of the ‘Dissertation’ informs us, that this is precisely what might be expected to happen at the pass under similar circumstances,—and that a personal inspection of the ground leads to an intense conviction of its identity with that through which Hannibal penetrated. He also conjectures, with much appearance of reason, that the town which Hannibal took by assault, and where he found so seasonable supplies for his army, was not Chambery, which is seven miles distant from the pass of Mont du Chat, but Bourget, which is in its immediate neighbourhood. The Allobroges retired every night, and returned to re-occupy their position in the morning; and it would appear from Polybius, that the town to which they regularly retreated, and that taken by storm, were one and the same. But Chambery is at too great a distance to admit of this having taken place; wherefore Bourget, at the entrance of the fertile plain in which Chambery stands, has been fixed on; and this conjecture is confirmed by the coincidence of the actual distances with those given by Polybius.

After the storming of Bourget, the army encamped and rested for one day. In effecting the whole passage, the length of which, according to Polybius, is 1200 stadia, or 150 miles, fifteen days were spent; therefore, proceeding from the datum, that the army encamped the first day at Bourget, in the plain of Chambery, we can hardly err in the rest. From Chambery the road leads to Montmeillan and the valley of the Isère, along which, till the fourth day, the army proceeded in safety. On

that day ' it was exposed to the greatest dangers.' The people of the country through which they were passing came out to meet them with boughs and garlands, the emblems of peace and friendship,—offered hostages for their sincerity,—supplied the army with provisions and cattle,—and seemed anxious by every means to impress Hannibal with a favourable opinion of their intentions. But all this parade did not deceive the Carthaginian chief, who suspected treachery, but thought it prudent to dissemble, and to try to conciliate by assuming the appearance of confidence. Accordingly, he pretended to believe in their professions of amity, and, as a proof of his faith, accepted their offer of supplying him with guides. In spite of all his vigilance and distrust, however, the army, two days after this, was suddenly attacked on all sides by these artful barbarians, who had got possession of the surrounding heights. They were repulsed with difficulty, after a desperate struggle, in which the principal loss fell upon the invaders. To use a modern military term, Hannibal bivouacked the sixth night on ' a *White Rock*, strong by its position,' in order to cover the passage of his army; and, on the morning of the seventh day from the capture of Bourget, and the ninth from the passage of the Mont du Chat, he marched, without further molestation, to the summit of the highest ridge of the Alps.

There cannot now, we think, be a doubt, that Hannibal must have passed by the Little St Bernard. It is certainly true, that a modern road from Chambery and Montmœillon leads over Mont Cenis; but, in Strabo's list of the passages known to Polybius, this is not mentioned as one; and, besides, the country through which it runs is so steril, that 60,000 men could never have found subsistence had they attempted to proceed by that route. The valley of the Isère, by which we suppose Hannibal to have passed to the Little St Bernard, is, on the contrary, the most fertile and populous of any embosomed in the Alps. The population, in Hannibal's time, is proved to have been considerable, by the numbers that hung on his rear. But wherever there is people there must be food; for population has, in all ages and countries, been regulated by the means of subsistence. The case, therefore, stands thus: Hannibal's army drew its supplies from the country through which it marched; the valley of the Isère is the only country in the Alps that could have furnished such supplies; therefore, the army must have marched through this valley. But if it marched through this valley, it must also have crossed the *Alpis Graia*, or Little St Bernard, because it was impossible to cross any where else.*

* In confirmation of this deduction, it may farther be observed, that the time occupied in passing through the valley of the Isère,



In his account of the sudden and treacherous attack of the barbarians, Polybius informs us, that had not Hannibal, distrusting the professions of the wily mountaineers, taken the precaution to place his heavy baggage and cavalry at the head of the line of march, and the *élite* of his army in the rear, the whole must have inevitably perished. The loss sustained was nevertheless great; and, what was more distressing to a veteran army, they were never able to come fairly in contact with the enemy. Enormous masses of rock were rolled down on them from the heights, carrying confusion and death into the centre of the columns, which could neither advance nor retreat; and had it not been for a bold and masterly manœuvre, that day would, in all probability, have terminated the career of Hannibal. Observing at this crisis, that the enemy had neglected to occupy a huge insulated rock (*λευκοπέτρων ὄρυλλον*) which commanded the defile, he instantly took post on it with half his infantry, and was thus enabled to keep the assailants in check, till the rest of the army had cleared the gorge of the pass, which was with difficulty accomplished in the course of the night. On the following day, the enemy having discontinued all regular attacks, and confined themselves to predatory attempts on the baggage, Hannibal put himself at the head of the column with which he had occupied the strong position above mentioned, and marched to join the rest of the army at the summit of the highest ridge of the Alps, where he encamped for two days.

Guided by this account of Polybius, General Melville first,

coincides in a remarkable manner with the actual distance from the plain of Chambéry to the Little St Bernard. According to the Itineraries, the distance from Chambéry (*Lemincum*) to Bourg Evescal (*Montula*), is 16 miles; from Bourg Evescal to Conflans (*Ad Publicanos*), 16 miles; from Conflans to Salins (*Darantasia*), 16 miles; from Salins to Aynie (*Arima*), 10 miles; from Aynie to Bourg St Maurice (*Bergintrum*), 8 miles; and from Bourg St Maurice to Séez, 2 miles,—making in all 68 miles, not 70, as the author of the ‘Dissertation’ erroneously states. To this, however, must be added 7 miles, for the distance between Chambéry and Bourget; and thus we have 75 miles performed in six days, or $12\frac{1}{2}$ miles each day, which is the usual average. The author of the ‘Dissertation,’ who explored personally every inch of the ground, informs us, that the general aspect of this tract of country corresponds with the description of Polybius, even in the most minute particulars; and that from Séez, the last stage above mentioned, the passage of the Little St Bernard opens in front in a manner not by any possibility to be mistaken. On both sides, the mountains are lofty, precipitous, and covered with snow, while the pass in question presents itself as low and practicable.

and the author of the 'Dissertation' many years afterwards, found the localities to correspond in every particular with the historian's description. On the left bank of the Reclus, an Alpine torrent, the channel of which is frequently dry, stands a lofty *White Rock*, composed of gypsum, and universally known in the country by the name of *La Roche Blanche*. At this point the bed of the Reclus is steep and rocky, answering to the description of Polybius (φάραγγα τινα δύσβατον καὶ κρημαίνουσαν); while, on the other side of the insulated mass of gypsum, is a deep woody ravine. The author of the 'Dissertation' is of opinion that the army marched by the line of the Roman road, which, though more exposed, must have been less rugged and impracticable than the channel of the torrent; but, as this supposition does not seem to accord with the statement of Polybius, it is probable that they advanced in two columns, the cavalry and baggage taking the easier and better road. *La Roche Blanche* is admirably calculated for purposes of defence. It commands the whole plain of Scez, and would therefore enable Hannibal to act equally against the enemy on the heights above St Germain, and on both sides of the line of the Roman road. Hence we agree with General Melville and M. de Luc in attaching much importance to this remarkable physical feature in the topography of the route; and we are confirmed in this opinion by the circumstance, that, in the bed of the Reclus, there have been discovered, at different times, huge bones, which, from their size, must have belonged to elephants, and are, doubtless, the remains of the animals which rushed over the precipice with their burdens, when infuriated by the wounds they had received from the missiles of the enemy. Another corroborative fact is the extreme difficulty of the road, and the time spent in clearing the ravine. General Melville, who made a careful and minute survey of this tract of country, bears the strongest testimony to its entire and striking agreement in every particular with the account given by Polybius.

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'et proclivâ fore: uno, aut summùm altero proelio, arcem et caput Ita-
'lie in manu ac potestate habituros.' xxi. 35.

of his army in such trying circumstances. But this was not all—nor even the worst. After struggling for some time through the Alpine snows, they at last came to a place which seemed the *ne plus ultra* of the march, and had well nigh thrown them into irretrievable confusion and despair. On a steep declivity, extending about a stadium and a half, or nearly 1000 feet, the earth, which was loose, had been carried away, leaving an almost perpendicular rampart of rock, and thus precluding the possibility of advancing farther in that direction. By a circuitous route Hannibal attempted to turn this obstruction; but after incredible efforts was compelled to desist. He then deliberately encamped the troops in the pass, and employed the whole army in constructing a road for the baggage and cavalry, which they effected in one day. The horses were then sent forward and distributed among the pastures. In three days more the Numidians succeeded in rendering the road practicable for the elephants, which were by this time nearly starved to death; and after they had cleared this difficult and dangerous pass, the General collected his army, and descended into the territory of the Insubres, where he encamped for some time, in order to refresh the toilworn and exhausted soldiery. Upon making a muster of his forces, he found that nearly one half had perished in the course of this memorable passage.*

Polybius expressly says, that Hannibal performed this memorable passage in fifteen days. But we have seen that he reached the summit of the Little St Bernard on the morning of the ninth day, and encamped there two days, of which the ninth must be reckoned one. In one day more a road was opened for the cavalry and baggage, which therefore began their descent on the twelfth day; and in three days thereafter the way was practicable for the elephants. Thus we have the fifteen days which Polybius fixes as the time of the passage. It appears, therefore, that from the moment the road was rendered practicable for the elephants, he appears to have considered the passage as terminated; notwithstanding he had mentioned a little before that Hannibal was three days in reaching the plain from the time that the path was constructed for the cavalry and baggage; a statement which would give eighteen days as the complete time of the passage. But when Polybius restricted it to fifteen days, he probably meant that in that time the chief difficulties of the march were overcome. As the passage, however, was not completed till Hannibal reached the plains

* Livy says he lost 36,000 men in all, which is probably exaggerated.

around the 16; so, in estimating distances, we must be guided by the eighteen, not the fifteen days, or the time occupied in surmounting the principal obstructions. But, according to the Itineraries, the distance from Lavisco to Aoste (*Augusta Prætorica*) is 129 miles, and thence to Ivée (*Eporedia*) 46 miles, making in all 175 miles; from which $14\frac{1}{2}$ miles—the distance from Ivée to Donas, where the Alps finally terminate—are to be deducted. In the Itineraries, however, the distance from Pré Didier (*Arbrigium*) to Aoste, is given 5 miles in excess, as we find from the measurements laid down in the best modern maps; and consequently a further deduction to that extent becomes necessary. Thus the ultimate corrected distance is $155\frac{1}{2}$ miles, instead of 150, the number given by Polybius; being as near an approximation as could possibly be expected on a subject of this kind.

Further, there are only two roads by which Hannibal could have arrived among the Insubres, viz. either by the Great or Little St Bernard. The distances alone put the former entirely out of the question; and as Polybius informs us, that ‘Hannibal descended among the Insubres,’ it follows by necessary consequence that he descended from the Little St Bernard. Livy’s statement, that Hannibal arrived first among the Taurini, is manifestly absurd and inconsistent. In the *first* place, it presupposes him to have passed by Mont Genève, which has been already shown to be impossible. *Secondly*, it is not only opposed to the pointed assertion of Polybius, but incompatible with the principles upon which Hannibal all along acted. Is it conceivable, that the Taurini would have suffered him to collect and organize the remains of his army, and to recruit them after their fatigues, while in the full knowledge of his being the ally of their enemies the Insubres? Would they not rather have attacked his army in its weak and disorganized condition? Is it credible that a great commander, like Hannibal, would, on entering a hostile territory, disperse his troops, as we know he did on his descent to the plains of Italy, and thus expose them to be destroyed in detail? Did he not invariably animate his troops with the assurance that they would be received, on their descent, among a friendly people? Were not guides furnished to him by his allies, and was it not the business of these guides to conduct him to the territory of their countrymen? Finally, did not Hannibal, as soon as his troops were able to take the field after their fatigues, lay siege to *Augusta Taurinorum*, the capital of the Taurini, and carry it by storm, in consequence of which the whole surrounding country submitted to his mercy? Had Hannibal acted as some writers have represented, he must have

been as stupid as one of his own elephants, and equally unfit to be intrusted with the command of an army. *

The general result, then, of the foregoing investigation is to confirm, in a remarkable manner, the narrative of Polybius, and, at the same time, to expose the inconsistency and contradictions involved in that of Livy. Among the moderns, General Melville, M. de Luc, and the author of the 'Dissertation' so often referred to, have applied themselves to the illustration of the former, with what success the readers of this article may now be enabled to judge; while the latter has been explained, commented on, and, with some modifications, adopted by Folard, Letronne, St Simon, and others. The opinions of these authors we shall, however, pass without examination; for having demonstrated, as we think, the utter worthlessness of the text, it would be sheer waste of time to trouble ourselves with the commentary. But we cannot dismiss Whitaker in this summary fashion; and as the *Critical Examination*, as it is called, of his 'Course of Hannibal over the Alps ascertained,' is neither more nor less than an abridgement of the original work, we shall make it the subject of a few observations,—premising that, according to the theory both of the critic and his principal, Hannibal passed by the Pennine Alp or Great St Bernard.

In the *first* place, then, the critic, after Whitaker, asserts, that Hannibal crossed over to the left bank of the Rhone at Lauriol: but he has prudently abstained from assigning any reason for this assertion,—which is certainly to be regretted. Roquemaure, where, from a number of corroborative circumstances, we conceive the passage of the Rhone to have been effected, is 50 miles from the sea; and it is stated both by Polybius and Livy that the place where Hannibal crossed was four days' march from the embouchure of the river, which would give $12\frac{1}{2}$ miles for a day's march, being the average rate for the whole route from Carthagera to the Rhone, and nearly the ordinary or prescribed rate of march of the Roman legions. But Lauriol is more than 100 miles from the embouchure of the Rhone, which would give a rate of march exceeding 25 miles a day—a distance totally out of the question; for it is evident, that Polybius and Livy, when they employ a day's march as a measure of distance, do not mean *forced* marches, but the *usual rate* at which an army proceeds when encumbered with its baggage. But, further, the place where Hannibal crossed the Rhone was 75 miles below the Delta Allobrogum; whereas, if the Delta be where Polybius has fixed it, Lauriol is less than 18 miles distant,—and if it be where Whitaker has fixed it, viz. the

* See on this point *Polybius*, III. 201. Casaub.

site of the modern town of Lyons, it is more than 90 miles distant.

Next, with regard to the passage in Livy, already quoted, in which, upon the authority of Schweighæuser, and the old editions, we read *Isara* for *Arar*, the Critic, in imitation of his master, retains the latter reading: And, in support of this extraordinary preference, he contends, *first*, that, among the Romans, the word *Alps* was employed as generic; and, *secondly*, that the statement,—‘*Ibi ARAR RHODANUSQUE, amnes DIVERSIS EX ALPIBUS decurrentes, agri aliquantum amplexi, conflunt in unum,*’—means only, that the Saône and the Rhone take their commencement in *different mountains*—a truism which it required no ghost to announce—and form a small Delta at their confluence. In opposition to this, however, we aver that the word *Alpes* is never used as generic by the Classic authors; and even if it were, that such a use of it in the passage in question would be equally obnoxious to genuine latinity, and to every received rule of interpretation. The Alps, strictly so called, have alone been mentioned, and no other mountain or mountains so much as hinted at: How then is the reader to comprehend what is meant by *different Alps*, when no mountains except those which separate Gaul from Italy have been either directly or indirectly alluded to? Besides, every schoolboy knows that the words, *diversis ex Alpibus decurrentes*, mean, not that the rivers in question flow from *different Alps* or mountains, but from *different parts* of the same chain, known by the name of Alps; just as *summus mons* does not mean the highest mountain, but the highest *part*, or top, of the mountain,—and as *prima luce* does not mean the first day, but the first *part*, or dawn, of a given day. But, if this interpretation be correct,—it follows, that, in the above passage, some change *must* be made; for the *Arar*, or Saône, does not take its origin in the Alps, but in the Vosges, in Franche Comté and Lorraine. The substitution of the word *Isara*, as Schweighæuser proposed, and as the old editions warrant, renders the whole clear and distinct, because geographically correct, and is moreover pointed out for our adoption by the genius and structure of the language itself.

Thirdly, Upon the statement of Polybius, that Hannibal passed through a sort of island resembling, in size and figure, that portion of Egypt called the Delta, Whitaker remarks: ‘This points precisely at the situation of Lyons, which, though at present it is not *entirely insulated*, appears from ancient records to have formerly been so.’ Now, bating the assertion of this dogmatical antiquary, there is not a tittle of evidence to prove that Hannibal was ever at or near Lyons. It is admitted, on all hands; that he marched to the northward (*ἀπὸ τῶν πύλων*)

along the *left* bank of the Rhone; and unless we assume that the Carthaginian Captain—who encountered the most formidable difficulties in transporting his army, with the elephants and baggage, to the *left* bank of the river—re-crossed to the *right* bank at or near Lyons, merely to accommodate Mr Whitaker, we must conclude that the passage alluded to in Polybius does any thing but ‘point *precisely* to the situation of Lyons.’ Further, it appears, from the statement of Polybius, that Hannibal marched *a hundred miles* within the *Delta* or *Nesus*, whereas the peninsula of Lyons is not *six miles* across.

Fourthly, Hannibal’s guides were Cisalpine Gauls (probably Boians and Insubrians), with prince Magilus at their head. They had, of course, been in the habit of crossing the Alps into Transalpine Gaul, and consequently must have been acquainted not only with the mountain passes, but the roads leading to them. Is it credible, then, that they would have conducted the Carthaginian army so far to the north-west as Lyons, when, by turning off at Vienne, where the river begins to trend to the westward, they would have marched along the diameter instead of the arch of a semicircle, and would have met the Rhone again at St Genix? Even had Hannibal intended, as Whitaker asserts, to proceed towards the sources of the Rhone and cross the Alps by the Great St Bernard, the above supposition is inadmissible, unless we take it for granted, either that the guides were utterly ignorant of the country, or that Hannibal had some particular motive, known only to Mr Whitaker, for unnecessarily extending his march. We have already seen how remarkably the measures of distance given by Polybius correspond with the topography of the route which we have assigned to Hannibal. If the hypothesis of Whitaker were, however, to be received, the authority of that accurate historian must be totally disregarded; for, not only is the notion that Hannibal proceeded to Lyons incompatible with the distances as laid down by Polybius, but, according to the route chalked out by Whitaker, Hannibal, from the time of his crossing the Rhone till his descent among the Insubres, must have traversed a distance four times greater than that specified, by a military historian, celebrated for his scrupulous fidelity to facts, and who personally explored the route while the Expedition to Italy was yet a recent event.

Fifthly, The Critic attempts to bolster up Whitaker’s hypothesis by the authority of Ammianus Marcellinus, who says, that Hannibal, after passing through the country of the Tricastini and the frontiers of the Vocontii, as far as the Tricorian Defiles (*Saltus Tricorii*), proceeded along the river *Druentia*, to take possession of the Etruscan territory (*per flumen Druen-*

tiam regiones occupavit Etruscas). But this statement militates against the opinion both of Mr Whitaker and his Critic; the former labouring to prove, that the ancient Druentia is not the Durance, but the Arve, which falls into the Rhone at Geneva; the latter, that it is the Drance which discharges itself into the same river at Martigny. But the Tricastini, Vocontii, and Tricorii inhabited the southern part of Dauphiné, now called the Department of the Lower Alps, and, of course, lived at a great distance from the locality of either the Arve or the Drance; and with regard to the Durance, it runs by Sisteron, Embrun, and Briançon, and would have conducted Hannibal, had he pursued the line of its course, across the *Alpis Cottia*, or Mont Genèvre. But this is the hypothesis of Livy, whom Ammianus has implicitly followed, repeating even the ridiculous story of Hannibal dissolving the rocks with vinegar,—‘*aceto-que infuso rupem dissolvit.*’

Lastly, ‘Mr Breval,’ says the Critic, ‘a most intelligent English traveller, supposes Hannibal to have crossed the mountains by the way of the *Little St Bernard*, which is likewise the route assigned to him by General Melville, who went over the Alps with (for) *the express purpose* of tracing the footsteps of the Carthaginian leader.’ p. 24. But, he adds, in the *tranchant* manner of his principal,—‘This is *not* the course pointed out by Polybius and Livy!’ There is nothing more convenient, occasionally than a good round assertion; however, that the reader may not be overpowered by this oracle, we shall take the liberty of opposing the Critic to himself. At page 98, he informs us that ‘the only point (in the route delineated by Whitaker) where we can fix Hannibal with any certainty, seems to be at Bard, but *he might have come thither from the Little St Bernard, in the route pointed out by General Melville.*’ Again, after quoting the statement of Polybius, that the Prince whom Hannibal had restored, covered the march of the army till it approached the Alpine defiles, he very candidly remarks: ‘Surely the mouth of the Arve at Geneva cannot be said to be *near* the pass of the Alps. To the nearest pass, *which is the Little St Bernard*, the distance is above seventy miles; and by the road which Mr Whitaker marks out for Hannibal, viz. by the Great St Bernard, it is above one hundred miles. *This objection Mr Whitaker OUGHT to have obviated.*’ Certainly Mr Whitaker ‘ought’ to have obviated this objection—or to have abandoned his theory! But, unfortunately, he *could not* do the former, because it was physically impossible; and he *would not* abandon the latter, because it was his own!

Having thus traced Hannibal from Cartagena in Spain to the

fertile fields of Italy, now destined to become the theatre of desperate and sanguinary combats, 'Livy's pictured page' shall tell the rest. It is sufficient to say, that the renown which the Carthaginian Commander had justly acquired by his bold passage of the Alps, was speedily eclipsed by the more dazzling glories of Ticinus, Trebia, Thrasymenus, and, above all, Cannae, where the flower of the Roman army perished to expiate the obstinacy of their headstrong leader—and the conquest of Italy appeared to be achieved. But great as was his genius for war, Hannibal erred in his turn. Either astonished at his own success, or, which is more probable, considering the game as up with the Romans, he suffered the decisive moment to escape; while the young Scipio, a man endowed with a genius equal to his own, profited by his neglect, roused the Romans from their consternation, and infused into the mass of his countrymen a portion of his own exalted patriotism. The pleasures of Capua, and the prudence of Fabius, completed the salvation of Rome. Hannibal soon experienced the mutability of fortune; was recalled to defend that country which had sent him forth as an invader,—and was finally conquered by that Scipio, whom alone, of all the Romans, the overthrow of Cannae had not stricken with dismay.

O gloria! vincitur idem
Nempè, et in exilium praeceps fugit; atque ibi, magnus
Mirandusque cliens, sedet ad praetoria Regis,
Donec Bithyno libeat vigilare tyranno!
Finem animae, quae res humanas miscuit olim,
Non gladii, non saxa dabunt, nec tela, sed ille
Cannarum vindex, et tanti sanguinis ultor,
Annulus. I, demens! et saevas curre per Alpes—
Ut pueris placeas, et declamatio fias!

ART. IX. 1. *A Proposal for the Advancement of Religious Knowledge, and the Reformation of Morals. Addressed to the Roman Catholic Prelates, &c. of Ireland.* By A ROMAN CATHOLIC CLERGYMAN. 8vo. Dublin.

2. *Thoughts on the Education of the Irish Poor.* By J. O'DRISCOLL. 8vo. London.

3. *Letter to the Right Honourable C. Grant, on the late Charge of the Right Reverend the Bishop of Kilalloe.* By ATHAMIC. 8vo. Dublin.

4. *Fourteenth Report of Commissioners of Education. Sessional Papers.* No. 744. 1821.

FROM the very beginning of our labours up to the present hour, there are two subjects of domestic interest to which we have never ceased to direct the attention of our readers—the question of General Education, and the State of our Fellow-countrymen in Ireland. Conceiving it at this moment to be peculiarly necessary to consider these subjects as they bear upon each other, we propose, in the present article, to take a view of the *Education of the Irish poor*.

From the recent Parliamentary debates, and the inquiries still pending—from the extraordinary scenes which have been lately exhibited in Ireland, by the various reverend performers who have appeared on the polemical stage—and, above all, from the misconceptions which these proceedings have produced in the sister kingdom, we consider that the time is now come when a dispassionate inquiry into the true state of the question may both engage more notice, and produce more beneficial effects than at any former period. If we can soften existing animosities, by explaining the real state of the argument, and if, by clearing away the rubbish with which the clumsy workmen on both sides have encumbered the ground, we can bring our readers to perceive the exact object of this ecclesiastical contention, we shall be satisfied that a great and decisive advantage has been attained. Before entering upon the merits of the question, however, we must be allowed a few remarks on the late discussions in Ireland.

The ultimate consequences of the great changes which are now in progress throughout the world, have been often made the subject of speculation; and many a quiet observer has lately been tempted to wish he could be permitted to anticipate what aspect society would exhibit some twenty-five or thirty years hence, from the combined operation of General Education—Free Trade—Rail-roads—Gas Lights—Steam-engines Phrenology, and Joint-stock companies. It is not quite so interesting, we admit, to look backward: But it has the advantage of being a good deal easier,—and almost as instructive. At all events, our prospective visions will undoubtedly gain a great deal both in clearness and in extent, in proportion to the compass and exactness of our survey of what is past. With regard to Ireland, in particular, the retrospect is of peculiar importance; although, on the present occasion, we do not propose to carry it unreasonably far.

By the census of 1821, the population of Ireland appears to have exceeded 6,800,000; and under the double excitements of the Potato, and the Insurrection Act, it seems to have

doubled in thirty-three years. Two hundred thousand young White-boys are thus added annually to society in Ireland. On these calculations, the population of 1825 cannot be less than seven millions and a half!—And of this number it may safely be assumed, that 750,000 are within the age of education. * Such, at least, is the proportion which the children receiving instruction in Scotland, Holland, and Switzerland are found to bear to the entire population. By the last Education Report of Ireland, 500,000 children are stated to be in a course of instruction. † *There remains, therefore, upwards of 250,000 children wholly destitute of education.* It must not, however, be imagined, that these 250,000 children are left altogether to nature. If proper schools are not provided for them, that great national instructor—Captain Rock—is at hand! In *his école polytechnique* he receives these pupils; he forms them for the high duties to which they may be called; and where we find that 250,000 children are left without education, we cannot feel very greatly surprised that 26,170 persons are committed for trial in a single year. ‡

It may perhaps be supposed that the 500,000 scholars are pursuing a course of instruction likely to contribute either to individual or national improvement. But this unfortunately is far from being the case. Though not inclined to think that any course of education can exist which is not preferable to total ignorance, we believe it to be unquestionably true, that the mere village or hedge-school of Ireland is too frequently of the very worst description; and that, as such, it reduces the benefit of education to its lowest term.

‘It is a fact,’ observes the author of an excellent Address to the Roman Catholic Clergy, ‘that the Irish are taught to read and write wherever the parents can pay a teacher. But when this reading is acquired, it contributes very little towards the advancement of knowledge, there being scarcely any useful books in the hands of the poor. The school-books have hitherto been very few, and ill adapted to their end. A catechism committed to memory in childhood, and but ill understood, and a small prayer-book, seldom read but at mass, form the library of the poor Catholic, unless he pick up from hawkers some wretched trash of ballads and romances, which corrupt instead of improving him. This, generally speaking, being the state of the peasant’s education, it is no wonder that the great body of the people, notwithstanding their knowing how to read, are still ignorant.’ §

* Mr Brougham’s Speech, 1820.

† First Report, 1825.

‡ Sessional Papers, 1824, No. 156, p.

§ *Thoughts on Education of Irish Poor*, p. 11.

Mr O'Driscoll's statement is equally strong.

‘ Every village has its school, and there are few parishes that have not two or more, either permanent or occasional. Reading, writing, and some knowledge of arithmetic, are in this way acquired by those who are able to pay a very small stipend to the master. But this kind of education, whatever may be its effect occasionally on individuals, produces no general good result. The people are not improved; their habits and manners continue unaltered. The country schoolmaster is independent of all system and control; he is himself one of the people, imbued with the same prejudices, influenced by the same feelings, and subject to the same habits.’

As the actual condition of the existing schools in Ireland has been made the matter of angry controversy, we shall add the following statement, made by Lord Fingall, Dr Troy, and four other Roman Catholic Prelates, to Mr Grant. ‘ A vast majority of the poor children of Ireland are Roman Catholics, one half of whom at least are unprovided with any kind of useful instruction in their youth; and a great proportion of those who are sent to schools profit little thereby, owing to a want of a good system of education, convenient schoolhouses, and competent schoolmasters.’ We have thus established, on the best authority, two propositions; that, at the least, one-third of the children requiring instruction in Ireland are wholly uneducated; and that the education of many of the remaining number is unprofitable, and in some cases mischievous.

It may be imagined that this lamentable state of things proceeds from the indifference of the peasantry for instruction, or from the want of any pecuniary aid on the part of the Legislature and of the public. But nothing could be more untrue than either of these suppositions: the efforts of the poor to procure instruction are reported ‘ to be at once exemplary and affecting. In some instances the poorer parishioners have erected school-houses by a voluntary subscription among themselves, and a remarkable fact is stated, that a night-school has been kept to accommodate the children obliged to labour in the day.’* The statute law of the country, on the other hand, prescribes the organization of schools throughout Ireland, and a lavish expenditure of public money has accordingly taken place, — not in performing this national duty, but as we shall endeavour to show, in increasing all the difficulties of the case, and impeding the progress of rational and liberal education.

To those who may be disposed to slight the moral advantages of education, and to those who doubt whether society is

* 11th Education Report, p. 6. Sessional Papers, 1821, No. 743.

bound to provide instruction for the poor, the economical argument against the present system will, we apprehend, be conclusive. It will be a matter of some surprise to our readers to find, that this *no education* in Ireland has been supported at an expense to the nation of considerably more than one million and a half, voted by Parliament since the Union—a sum sufficient to have laid a foundation for the most liberal and comprehensive scheme of public instruction. The grants to which we allude are the following, all made prior to the late Session.

Protestant Charter Schools	-	L.638,706
Association for Discontinuing Vice	-	76,882
Foundling Hospital	-	632,794
Society for the Education of the Poor	-	93,495
Lord Lieutenant's School	-	31,000

L.1,482,877

We do not state this invidiously—we do not regret that Parliament should, in its liberality, provide for the education of the poor in Ireland: But we do think that, in its wisdom, it should pay some attention to the mode in which its votes are carried into execution. We doubt not that the people of Great Britain, upon whom these taxes almost exclusively fall, will consider themselves unfairly dealt with, if it is demonstrated that such a lavish expenditure has taken place, without advancing the interests of the peculiar objects of national bounty.

Nor is this all. The Legislature, at a very early period, imposed certain duties on the Established Clergy—anxious no doubt to confide the education of youth to that class which might have been considered most anxious to contribute to the moral improvement of the people. To these duties, and to the mode in which they are performed, we now earnestly entreat the attention of our readers. In the preamble of an Act of the 12th Elizabeth, it is recited, ‘that the greatest number of the people
‘ have lived in a rude and barbarous state, not understanding that
‘ Almighty God hath forbidden the heinous offences which they
‘ spare not to perpetrate, and whose ignorance in the *high matters touching their damnation* proceedeth only from lack of
‘ good bringing up the youth of this realm, either in public or
‘ in private schools, where they might be taught to avoid these
‘ loathsome and horrible errors.’ The statute proceeds to enact, that there shall be a school established *in every diocese* in Ireland, and that the expenses shall be divided between *the Bishops and the Incumbents*; one third part being defrayed by

the bishop, and the remaining two-thirds by the several incumbents. Here we have a declaration by Parliament, that the progress of crime and the ignorance of the people were attributable to the want of schools, and the clergy are required to avert these evils. Let us inquire how far this trust has been fulfilled.

It appears that schools were originally established in several, if not all the dioceses of Ireland; * and a commission was issued soon after the Restoration, directing the bishops to carry into effect the existing law. Subsequent statutes, passed in the reigns of Geo. I. and Geo. II. (12 Geo. I. 29 Geo. II.) increased the facilities given for the foundation of these schools. One of the acts of the Whig administration of 1806, was to issue a commission to inquire into the state of schools in Ireland; and the report of the commissioners then appointed will be read with surprise, we might almost say with indignation. This report is signed by the late Archbishop of Armagh, and by several eminent characters of the Irish Church. † These high authorities inform us,

‘ That several dioceses are unprovided with proper school houses, and some are without any, and the general benefit of the whole institution is far from corresponding with the intention of the Legislature, or even the number of schools kept, or *supposed to be so*. Out of the whole number of 34 dioceses, only *ten* are provided with school-houses in tolerable repair. In three others the houses are either insufficient or out of repair, and *the remainder are wholly unprovided for*. In some of the dioceses no diocesan school is kept at all, and in others no effective one. The whole number is only 13, with 380 scholars, most of whom pay annual sums of from 25*l.* to 30*l.* for their education. ‘ In the greater part of the dioceses where no school is kept, *there is no contribution* for the payment of a master; but in some instances the salary is paid to a *nominal* master, who either *keeps no school at all*, or one on a different foundation, in which the diocesan is absorbed.’

Such was the extraordinary, and we cannot avoid adding, the discreditable state in which the Commissioners of Education found these establishments in 1809; and it is almost inconceivable, that for many years subsequent to the publication of the 4th Report, neither the Legislature, the Government of Ireland, nor the Right Reverend personages most deeply concerned, took any efficient steps to supply these deficiencies, and to correct these abuses. This neglect becomes the more surprising, when it is considered that in 1813, a Board of Education

* Fourth Education Report, Reprinted Sessional Papers, 1813.

† Fourth Report.

was appointed by Parliamentary authority, under whose superintendence these day-schools were placed.* In 1821 it appeared, that the number of diocesan schools had augmented from 13 to 15; in other words, after a public and official exposure of the neglect heretofore detected, there were found *two* bishops, who in the course of *twelve years* made some slight effort to perform their duty! In the Reports of 1821† it appears, that in 15 out of the 34 dioceses in Ireland, contributions were made of the sum of 450*l.*! the *bishops* contributing on an average *five pounds*, and the incumbents 10*l.* to each establishment! In *nineteen* dioceses the obligation of the statute appears to have been *totally disregarded*.

In 1823, one additional school was established, making the total number 16—and the income contributed to all the diocesan schools by the whole of the Irish Church was raised to 500*l.*! being 200*l.* *less than the subscriptions of the city of London Corporation to the single school of Derry!* Such is the condition of these establishments, and such the performance of these duties by the richest and most idle clergy in Europe! *The number of free scholars educated does not exceed nineteen!* We are, however, bound to notice one exception to the preceding observations; we allude to the Bishop of Derry, whose subscription is equal to the contributions of any other ten of his brother prelates.

Another subject of still greater extent and importance must now be considered. So early as in the 28th year of the reign of Henry VIII., an act was passed in Ireland, providing for the establishment of *Parochial* schools for teaching English. In this as in the former case, the agency of the Church was relied on. The intentions of the Legislature are explained in a quaint and enrious preamble, reciting, ‘ that nothing doth more conferre to
 ‘ the induction of rude and barbarous people, than a good in-
 ‘ struction in God’s holy laws, and a coincidence, conformitie,
 ‘ and familiaritie in language, tongue, manners, order and ap-
 ‘ parel, with them that be civil people.’ This statute enacts, that every parent shall cause his children to be instructed in the English tongue, order, and condition. To provide the means for carrying this law into effect, it further directs, that every archbishop and bishop shall, at the time of admitting any person into holy orders, administer an oath that he will keep, ‘ or
 ‘ cause to be kept, within the place or paroch where he shall
 ‘ have rule, benefice or promotion, a schoole for to learne Eng-
 ‘ lische, if any of the children of his paroch come to him to

* 53. Geo. III. c. 107.

† Sessional Papers, 1821, No. 553.

‘ learn the same, taking for the keeping of the said schoole
 ‘ such convenient stipend or salarie, as in the said land is ac-
 ‘ customelly used to be taken.’ In pursuance of this act, every
 clergyman *now* inducted into a living takes an oath in the words
 following:—

‘ I do solemnly swear, that I will teach, or cause to be taught,
 ‘ an English school within the rectory or vicarage of ———
 ‘ as the law in that case requires. So help me God.’

It will be found, that, notwithstanding this oath, the statute
 has not been generally observed, nor have the schools in many
 cases been kept. A commission having issued in 1788, the fol-
 lowing was the result of the inquiry: *

Total number of benefices inspected,	838
Number of schools kept,	361
Salary of 2 <i>l.</i> paid to a nominal master,	74
No schools whatever kept,	403
	—— 838

In 1810, matters had considerably improved; and the Report
 of the last Commissioners gives us the following statement: †

Total number of benefices in Ireland,	1125
Schools kept,	549
No schools,	187
No return made by clergy,	389
	—— 1125

This report is incomplete, and it is to be regretted that the
 papers, presented to Parliament from the several bishops in
 1823, are not much more satisfactory. ‡ They exhibit,

Benefices returned,	910
Parish schools to which incumbents contribute,	321
Schools in which no report is made of such contribution,	175
Parish schools to which incumbents <i>do not</i> con- tribute,	196
No school,	135
No return made by clergy,	83
	—— 910

With respect to the nature and extent of the contribution
 given, a custom is stated to have prevailed of paying 2*l.* an-
 nually as a salary to the master; and whenever this small sti-
 pend, justly considered by the commissioners to be ‘ utterly in-
 ‘ adequate,’ § is given, this is held to be a discharge of the du-

* 11th Report of Education Commissioners, p. 2, 3. Reprinted
 1813. † P. 9.

‡ Papers on Schools, Session 1823.

§ 14th Report, p. 4.

ties imposed on the clergy by the Act of Henry VIII. In pecuniary contributions, this does not appear to have exceeded, in 1822, the sum of 1222*l*.

The returns made in the Session of 1824 are most curious documents. Many more schools are it is true returned; but they are returned under peculiar, and rather unaccountable circumstances. In parishes where the existence of parochial schools have been negatived by the papers produced in the former year, flourishing schools are now stated to have existed, to which the incumbents regularly contribute. In some dioceses, credit seems to be taken for the number of parochial schools kept; in others, the necessity and obligation of keeping them is altogether disclaimed. The whole of the papers are as confused and unsatisfactory, as if they were intended to impede rather than to satisfy inquiry. Still, even on the face of these returns, the imperfect manner in which the duties of education are discharged by the clergy is manifest, as will appear from the following abstract:*

No.	Dioceses.	Number of Benefices.	Parochial Schools.	No Schools.
2	Cashel and Emly,	47	20	27
2	Tuam and Ardagh,	47	0	47
2	Kilalloe and Kilfenora,	50	26	24
2	Limerick, Ardfoot, &c. . . .	88	27	61
1	Ossory,	56	28	28
2	Down and Connor,	77	51	26
12		365	152	203

Thus, in twelve dioceses, parochial schools are kept in 152 benefices out of 365; and in the remaining 203 cases, notwithstanding the public notice taken of this matter in 1788, in 1809, and during the three last years, *no* parish schools have been established, *by an order of men sworn to maintain them!*

It may possibly be thought, that this extraordinary disregard of a serious obligation arises from the utter inability of the parties concerned to perform their duty; and, to be sure, extreme poverty would go far to *account for* this neglect—though it could not justify it. This excuse, however, will scarcely be pleaded by the Irish Church, poverty not being one of the vows which it has taken. The average incomes of the clergy of the dioceses

* Papers relating to Schools and Education, Session 1824.

last named, who have lately obtained help for building glebe-houses from the Board of First Fruits, exceeds 300*l*. * In the diocese of Ossory the average is 445*l*., and in Cloyne above 800*l*. As we may hope that the funds of the Board of First Fruits are not portioned out among the most opulent of the clergy, the general average of clerical income must considerably exceed these sums. But it is plain, that the least of these incomes would be fully adequate to afford the means of keeping a school, according to the spirit and meaning of the statute, and of the oath.

Our readers will naturally ask, how the clergy excuse themselves from the charge thus brought and proved against them: And the apologies are most curious. They are tissues of sophisms and inconsistencies. One of the prelates, in a discourse delivered before the Lord Lieutenant of Ireland,† stigmatizes the statute of Henry VIII. as ‘impracticable and oppressive.’ Another suggests that as mention is made in the statute of ‘telling the heads,’ the whole of the enactment may now be disregarded. A third suggestion is, that as the oath administered is not in the precise words of the statute, it cannot be considered as binding. A fourth interpretation, made by one who had himself both taken and administered the oath, is, that the whole may be rejected as obsolete and in desuetude. And a fifth explanation makes a demand from the poor for instruction, a condition precedent to the establishment of any school! We cannot but consider this as miserable special pleading, unworthy of the persons by whom it is used, and the duties to which it refers. Independently of the obligation of the oath, and the force of the law, we very earnestly recommend it to the Irish clergy, as an act of policy and prudence, to bind themselves as closely as possible to their country by the decent discharge of their moral and civil duties. If the unfortunate religious divisions of Ireland limit their sphere of exertion as ecclesiastics, let them employ their abilities and prove their usefulness, by improving the condition and promoting the education of their parishioners. The obligation thus conferred, will give real security to the Irish Church. It will raise its character and add to its stability more than all the pamphlets and speeches written and delivered during the last century. Let the clergy imitate the conduct of some of its own body, for even in these papers, otherwise so unsatisfactory, evidence is contained of individual exertion, benevolence and liberality, deserving every commendation.

The real causes of the neglect we have described, is a parti-

* Papers respecting First Fruit Fund, Session 1824.

† Sermon by the Bishop of Clonfert, Dublin, 1807.

cipation in the offence by those who should have controlled the offenders. How could a bishop, himself negligent of the diocesan school, condemn his clergy for not establishing schools in their respective parishes. *Quis tulerit Gracchos de seditiōne querentes?*

This question of the contribution of the clergy, is one of so much importance, that we trust we shall be excused in tracing it back to its origin. It appears to us to have existed long prior to the Act of Henry VIII. In the more ancient days of the church, it is admitted that ecclesiastical property was far from being considered as vested absolutely in the clergy. On the contrary, the fourfold division of tithes is distinctly recognised, and the fourfold appropriation, to the bishop, the parish minister, the repairs of the church, and the purposes of charity and benevolence. The *quarta pars Episcopalis* existed throughout the entire province of Connaught till the government of Lord Stafford. In the diocese of Tuam, a most extraordinary deception, amounting to positive swindling, having been practised by the archbishops, the commutation of the *quarta pars* took place in the last century only; and by the Bishop of Clonfert the *quarta pars* is continued to be received to the present day. The history of these proceedings, as detailed by the historian Ware, is most curious: greater subtlety and selfishness were never displayed, than by the successful efforts made by the Archbishop to obtain payment twice over for the same property. The fourth part originally intended for works of charity was soon swallowed up by the church itself. In England the poor laws have supplied its place; but in Ireland, no equivalent has been provided. The repairs of churches again have been thrown on the parishes; and the bishoprics being endowed with immense estates, the whole of the tithes fell into the possession of the clergy.

Further, and upon a separate ground, if we consider the early decrees and canons, the duty and the charge of Education will be found to have been imposed on the church. By a decree of the Council of Lateran, it was ordained that a benefice should be provided in every cathedral for the support of a teacher, whose duty should be to instruct ‘the clerks and other poor gratis.’ At a further general council, provision was in like manner made for a lecturer in divinity, when the church was a cathedral, and in other cases a schoolmaster was directed to be provided, empowered to collect a stipend from the rich, but bound to the gratuitous ‘instruction of the clerks and other poor persons.’ The Council of Trent enforced the same principle, (Sessio v. c. 1. tit. de Institut. Sac. Scrip. et liberalium artium), and where a sufficient main-

tenance for teachers in cathedrals could not be procured by the gift of a prebend, still the *Bishop had a power of laying his clergy under contribution*. Even in the poorer parishes a schoolmaster was ordered to be provided, lest ‘that necessary work of piety should be neglected.’ That such arrangements were made in England and Ireland, as well as on the Continent, is well known to those who have looked into ecclesiastical history and law. The schools which still subsist in conjunction with our cathedrals and chapters, are evidence of the fact. Swift alludes to a school attached to the chapter of St Patrick; and we believe that the foundation is still supported.

After Henry VIII. had remodelled the Irish Church, the principles of the existing ecclesiastical law seem to have been embodied in the Acts of Parliament referred to. The cathedral lectnreships reappear in the shape of the diocesan classical schools, and the more popular rural establishments are continued in the parish schools.

We have gone into this detail, because upon this point we consider the late Report as most unsatisfactory and inconclusive, and because we trust that we have shown, even to those who maintain, with the greatest strictness, the inviolability of all church property, that the incomes of the Irish clergy are held subject to the duty of educating the people; and that Parliament may enforce a liberal and efficient performance of this duty, without entitling any party to raise the cry of spoliation, so often and so injudiciously applied. Suggestions to this effect have repeatedly been given, and by individuals whom the clergy have no right to consider as their enemies. In the 14th Report of the Commissioners of Education,* it is stated by Archbishops and Bishops, ‘that it would be highly expedient that the contributions of the clergy should be paid with greater regularity, and to a greater extent than usual. *It might not be unreasonable that they should be rated at a sum not exceeding 2½ per cent. of their respective incomes.*’ We perhaps might think it not very unreasonable to carry this contribution considerably further. In 1811, Mr Wellesley Pole, the chief Secretary for Ireland, stated,† ‘that he had no hesitation in saying, that *he would look to the oath of the Protestant clergyman, and see whether they ought not, to a certain degree, to bear the expense of the establishment.*’ From that time to the present, however, no step has been taken to carry these recommendations into effect; and it is singular that these parochial schools, the subject of so much animadversion, were specially exempted from the



* 14th Report, p. 3, Appendix C.

† Parliamentary Debates, vol xx, p. 150.

control of the Board of Education of 1813. It is also worthy of observation, and particularly at the present time, that the commissioners then appointed were some of the ecclesiastical authorities, whose conduct had sanctioned, if it had not produced, the evils complained of.

With respect to the property of the Bishops, we are inclined to think that their incomes might equally bear a regulated contribution for the diocesan schools. During the last session,* one of their own body averaged their incomes at 5000*l.*; but as that learned and most respectable prelate spoke from conjecture, we may venture to form another estimate.† In the latest returns made to Parliament, the see of Armagh is stated to be possessed of 51,880 acres of arable and pasture land; that of Derry, of 41,804 acres; Tuam, of 31,375; Cork, of 24,417; Elphin, of 22,776; and Dublin, of 18,058. We are aware of one renewal fine received by a bishop in Ireland of 50,000*l.* for a single lease! a sum equal to the present contribution of the whole Irish Church towards the diocesan schools,—if continued for an entire century! computing the 1125 benefices in Ireland at only 300*l.* each, a sum, we are convinced, very greatly below their actual receipts: and if, on similar principles, an average of 6000*l.* is taken for twenty-two bishoprics, it will be found that the annual revenue of this Church far exceeds, on the lowest estimate, half a million annually. The original *quarta pars* payable by the parochial clergy would, upon these incomes, have exceeded 90,000*l.* But without reverting to so ancient a principle, a contribution of ten per cent. would, on the entire sum, produce 50,000*l.* applicable to the purposes of Education.

Nor let this be considered an extravagant or unreasonable proposition. It should be remembered that, since the Union, there has been added to the real estates of the church 171,743*l.*; and to the ecclesiastical personal property 637,296*l.*,—and all this paid out of the taxes of the country.‡ We are not sure that John Bull is exactly aware of these facts; he never dreams that the tax laid on his porter and ale is partly appropriated to giving additional wealth to a church whose emoluments are better husbanded than its duties are performed. We doubt the popularity of this Holy Alliance between Meux's entire and the Sees of Armagh and Derry; and are inclined to think, that the people of Great Britain would accept a reduction of the assess-

* Speech of the Earl of Limerick on the Tithe Bill.

† Irish Church Sessional Papers, 1824.

‡ Acts relating to Church Sessional Papers, 1823, No. 135.

ed taxes, even though Irish deans and chapters were obliged to repair their cathedrals and build their glebe-house at their own expense, as the more ancient laws require. * Some high church citizens may perhaps rejoice that they are deprived of light and air, whilst 3000*l.* are employed in building glebe-houses for the rectors of Termonmaquirk or Clonrohid, † and may console themselves for the high prices of port wine and tea, by a knowledge that the parish minister of Kilmocomogue is tasting the sweets of Parliamentary bounty. But the age of chivalry is gone; and it may be questioned whether any knight less orthodox than St George the Bishop of Cappadocia would now break a lance in defence of this extravagant system.

Our readers may perhaps now perceive why it is that the existing laws on the subject of Education have not been successful in their operation. We shall proceed to account for the failure of the institutions on which the public money has been lavished.

In point of antiquity, expense, and magnitude of abuse, the Protestant Charter Schools are entitled to our earliest consideration. These establishments originated with Primate Boulter in 1730, who, 'out of his concern for the salvation of the 'poor creatures,' recommended that the Roman Catholics of Ireland, who were prohibited from forming schools for themselves at home, and who were liable to the penal code if they ventured to a foreign place of instruction, should be kidnapped into the new orthodox establishments. These new schools, therefore, were incorporated for the express purpose of converting the children of Popish parents. As conversion-traps, however, they have wholly failed; and though richly baited, we doubt whether authentic evidence exists that any real wild Papist has ever been caught by them. But still they were the boast and pride of the Ascendancy party. 'No Popery' is not more essentially connected with the name of King William, than were the Charter Schools with the Protestant interest. In the year 1745, a Committee reported to the Irish House of Commons, 'that the happy effects of these institutions for promoting *the Protestant religion, and the trade and manufactures of the country*, are too 'obvious to be mentioned.' In 1761, the House of Commons itself resolved, 'that the Protestant religion and national industry are considerably promoted by this excellent charity.' In short, Lords Lientenants and Secretaries, Chancellors and Bishops, treated the Charter Schools with as much respect and reverence as the same personages now do the declaration against

* 1 Geo. II. ch. 15.

† Sec. 5.

the sacrifice of the Mass and the worship of the Virgin. The schools turned out, however, a profitable job; and so far the purpose of their protectors were answered; 1,612,138*l.* having been expended upon them; 1,027,715*l.* being derived from Parliamentary grants.* The apprenticeship of 7905 children having cost *one million Sterling.*

It is quite true, as has been said by a writer on this subject, that 'what was done by the Government in the way of education,' was more from political motives than from any wish for 'the moral improvement of the people.'† In these, as in all other institutions where the principle on which they are founded is vicious, the whole degenerated into abuse. Favourable reports of these schools were annually presented; but in 1788, John Howard, having visited Ireland, was examined before the House of Commons, and exposed such a scene of atrocious misconduct, cruelty and neglect, as, in his own words, to 'disgrace Protestantism, and encourage Popery.' The 'children are stated, in many cases, to be half starved, and almost naked; forced to work for the benefit of the masters. The instructors barbarous in their discipline, and the houses in decay.'‡ Yet, with such evidence on the table of Parliament, the grants have been annually continued, both before and since the Union.

Attempts were made at various times, by the Opposition, to reduce this expenditure; but it is evident that even those who took a part in the discussion, were not aware of the extent of abuse which prevailed. It has only been within the present year that the evil state and condition of these bulwarks of the Ascendancy party, and true specimens of the exclusive system, have been fully exposed. The Parliamentary Commissioners which have lately reported on the subject of Irish Education, very justly state—

'By the manner in which the children are separated from their parents and kindred, *all those ties are effectually broken on which the wisdom of Providence has rested the first principles of human society.* The poor inhabitants of Ireland were rendered so unwilling to part with their children, by the dread of losing them for ever, that it became at one time necessary to establish nurseries in order to rear up children to fill the schools.'

'It appears to have so frequently happened that the girls who had passed through the schools, and been placed out as apprentices, either left their places, or when their time was expired were turned

* 1st Report on Education, 1825, p. 30.

† Stephens on Charter Schools, p. 3.

‡ Howard on Prisons.

out without protection on the world, that it was thought advisable by the Society, about two years ago, to open a house in Charlemont-place, for the temporary reception of such girls, till they could obtain other situations. Many cases have occurred in which such an asylum has no doubt been of the greatest service. Young persons have been completely educated from time to time; but for want of adequate stations, apprenticeships, or employment, have been found, on their removal from the school, wandering about as *broken-hearted beggars.*

The cruelties exercised in these schools, afford an illustration of the tender mercies of the exclusive system. The Charter Schools, founded out of Primate Boulter's concern for the salvation of the poor Papists, seem to rely exclusively upon the arm of the flesh for their success in spiritual contest. The following examples will satisfy the most sceptical mind.

'SLIGO SCHOOL.—The Master was a man of violent and ungoverned passions, and the boys were most severely and cruelly punished, not only by him, but also by his son, and by a foreman in the weaving department, and these punishments were inflicted for very slight faults. The habitual practice of the master was to seize the boys by the throat, and press them almost to suffocation, and to strike them with a whip or his fist upon the head and face during the time his passion lasted. The anger of the master was chiefly excited by the boys performing less work than he expected *in the weaving shop*, (of which the master had the profit), or by their not weaving well.'

'STRADBALLY SCHOOL.—From the evidence taken on this occasion, it was sufficiently proved, that about three weeks before the first visit, one boy had been flogged with a leathern strap nine times in one day, his clothes being taken down each time, and that he received in the whole near 100 lashes, all for 'a sum in long division.' On the same day, another boy appears to have received 67 lashes, on account of another sum in arithmetic; another boy, only thirteen years old, had received seventeen stripes with a rope. On the 8th October, the day before the second visit, eight boys had been so severely punished that their persons were found by one of the Commissioners in a shocking state of laceration and confusion.'

'CASTLE-DERMOT SCHOOL.—The boys complained of being ill fed and cruelly beaten, both by the master and mistress.—Two boys had recently been very severely punished by the master. They stated that they had been set to work in the garden, and having had but little breakfast, they were hungry, and had eaten a raw cabbage!'

'CLONMEL SCHOOL.—At Clonmel, in 1817, the boys appear to have been punished with great severity, by the Usher, who used on all occasions a common horsewhip. It is stated, that he often gave *four dozen lashes with his utmost strength*, and that the boys have been

beaten till *the blood ran down upon the flags*. A boy was once knocked down by the Usher; and *kicked so severely that two of his ribs were broken*, and the ear of another boy was nearly pulled off.

These are not however the only blessings of the Charter schools—the cruelty of the system is fully equalled by its corruption. Presents and bribes pass between the officers and those whom it is their duty to control, and every check provided by the constitution of the society becomes only a new source of illegitimate profit.

The speedy intimation transmitted to the Masters of complaints preferred against them, may probably be accounted for by the habitual good understanding which appears to subsist between them and the Officers of the Society; it is not denied that presents of greater or less value have been given by the Masters of different Schools to all the officers, and the Registrar is at present considerably indebted to the Masters of six or seven schools, for money borrowed from them, for which we do not collect that he was to pay interest.

Our readers will naturally ask under whose control and management these schools are placed? we answer, with shame and regret, that Archbishops and Bishops, dignitaries of the Church, are those under whose auspices this system has continued. A committee of management, formed chiefly of these individuals, meet in Dublin; and a minister of the Establishment superintends every school as Catechist, and receives a salary for so doing. The mode in which the duties of the latter offices are performed, will appear from the following examination of the Secretary of the Society.

Q. Of 270 Monthly Reports which ought to have been made, how many have been made? *

A. A very small portion—I cannot tell how many.

Q. Do you believe as many as *ten* have been received?

A. Upon my word, I doubt it.

Q. Can you recollect any *one* instance?

A. I do not think there is.

Nor are the Bishops and Archbishops in Dublin more vigilant than the reverend Catechists in the country. On the contrary, they receive and sanction accounts, which, year after year, among other frauds and absurdities, return the same individuals, as being younger, or of the same age, as in the year preceding!

We should not have dwelt so long on this degrading subject, but that we consider it important, as involving a general principle. These Charter schools, we repeat it, are fair, and perhaps

* 1st Report Education, p. 25.

favourable specimens of the present system of governing Ireland. The principle of exclusion laid down by injustice leads to cruelty, oppression, and corruption. This system, on which the House of Commons have recorded their opinion by the only vote passed *nemine contradicente* during the present Session, is the very system which the votes of the House of Lords, and the doctrines of Lord Eldon, tend to perpetuate. To England, it is disgrace—and not only disgrace, but most expensive disgrace. To Ireland, it is pain and grief—to the empire, it is danger, and that of the most serious description.

The Association is in fact the Irish Church under another name; it consists of Archbishops, Bishops, and all the subordinate classes of the clergy. These reverend and right reverend persons, who, as we have seen, do not manifest any extraordinary zeal for education in their individual capacities, no sooner take the field as the Incorporated Association, than they become all life and vigour. The change in the Chinese sensitive leaf is not greater when placed on the warmest palm. It is right to notice the fact, that the schools neglected are those the clergy are bound themselves to maintain, whilst their efforts as an Association are encouraged by annual grants from Parliament. These votes have amounted to 76,000*l.*, and provided for the support of 186 schools.* An annual sum of 2000*l.* is expended for the extraordinary purpose of '*Catechetical Premiums.*' But if the church of Ireland is not able to give instruction to its younger members without the help of pecuniary rewards, we really think it not at all uncharitable to surmise, that there must exist some lamentable deficiency either in the zeal or the abilities of its ministers. What would be thought of an application from the vicars and church-wardens of the parish of St James's, Clerkenwell, or from the ecclesiastical authorities in the back settlements of St Leonard's, Shoreditch, or Whitechapel, praying the Chancellor of the Exchequer to furnish them with money to buy small presents, in order to encourage the little boys and girls to learn the Catechism? If such a proposition would in England be treated with the ridicule it deserves, why should it be tolerated in any other part of the empire? Are the purses of the Irish clergy so light, their duties so burthensome, or their mental resources so limited, that Rectors and Curates, Godfathers and Godmothers must be assisted at the public expense? Cannot the young Protestants of Cunnemara and Erris, as well as those of St Botolph's Aldgate, learn to repeat the Creed and the Ten Commandments, without earning half a crown by this orthodox effort? The only parallel case that can

* Irish Education, 1823, No. 141, p. 3.

he alluded to, is the course of moral instruction pursued in the Hulks, where the Chaplains appointed by the Home Department complete the education of the interesting inhabitants of the *Justitia* and *Retribution*, by teaching them 'to repeat the 39 Articles and the Homilies by heart.'*

Though the schools of the Association have done some good, they are established on principles which cannot fail of exciting the suspicion and jealousy of the Roman Catholics. The master must be a Protestant, and the schools must be placed under the control and direction of the Protestant clergyman. 'The Association,' observes one of its most zealous advocates,† 'is integrally united with the Establishment. By the spirit of the Established Church it is actuated throughout the whole of its system; on her principles it sets all her agency at work. Its patrons are her Archbishops and Bishops; her clergy are the instruments by which it chiefly accomplishes its objects, and their ministry is the principal channel through which all the benefits the public derive from it flow.' It is obvious, therefore, that this can never be a mode of instruction for any but the members of the Established Church.

The only two other classes of schools supported by the public, are of a different and of a better character than those already alluded to. Those under the direction of the Society for the Education of the Poor, are stated to receive children of all religious persuasions. By the rules, no sectarian distinctions are allowed to influence the selection of masters; and all catechisms are excluded. But this Society will not make any grants to schools in which 'the Scriptures, without note and comment,' are not read by all the scholars in the higher classes. Though this last regulation has created much jealousy and distrust, and though the Society has (we believe inadvertently) given assistance to establishments in which catechisms are introduced and distinctions made in the choice of masters, still there is here plainly an approach towards a rational system of education. If Scripture reading were only made permissive instead of obligatory, these schools would be nearly perfect; and we are convinced there would be more Scripture readers than at present. The Society states, that the Parliamentary grants it has received were made 'on the condition' that the Scriptures 'should be read.' No such condition, however, appears in the Report recommending the original grant; and the Society has

* See Annual Report on Convicts. Sessional Papers, 1820-1821, p.

† Letter to Right Honourable C. Grant, by Anglo-Hibernus, p. 9.

always been characterized by its friends as affording equal advantages to all, whether Protestant or Catholic. This, in candour and fairness, it cannot be said to do. So far as relates to training masters for country schools, and publishing cheap and useful books, very considerable good has been effected; and in these respects this Society deserves the gratitude and support of all classes.

The funds for education administered by the Lord Lieutenant *profess* to be appropriated without any restriction of a religious nature. Even the condition of Scripture reading is not enforced, and aid is granted to any school for the establishment of which a private subscription has been made. Yet even here the evil spirit of religious distinction has shown itself. For this the Commissioners are not exclusively responsible; but it is attributable to the interference of the Church, which has claimed a permanent right of nominating masters even for these schools.

From this review it appears, that there is not one of the many establishments for education in Ireland of which the Roman Catholics have not a right to entertain some jealousy and distrust: these feelings varying in proportion as the principle of religious difference, and the fear of proselytism prevails.

It may be expedient to bring the contending parties to a test, which will ascertain at once their zeal and their sincerity. If, as some suggest, the Roman Catholics entertain hostility to all education, a principle so vicious cannot be too severely stigmatized, or too strongly opposed. If this be really latent in the opposition which they have given to various modifications of instruction, their conduct cannot but be considered as unfair and insidious. Let us inquire, therefore, into the actual proceedings of the Roman Catholics, with reference to this question.

For a considerable part of the last century, the Popish schoolmaster and his school were persecuted and proscribed by law. Penal enactments were multiplied against instruction; and the Alphabet and Multiplication Table were considered to be dangerous to the State. Even in the late reign, we find complaints made to Parliament, not that the Roman Catholics opposed the progress of education, but, on the contrary, ‘that a great number of schools were dispersed in different parts of the kingdom under the tuition of Popish masters, contrary to the *sense* of several acts of Parliament.’* At that time it appears that the Catholics were very generally employed in teaching their children to read, even at the hazard of pains and penalties.† In our own times, re-

* Commons’ Journals, 1769.

† Stephen on Charter Schools, p. 21.

pested efforts have been made by the Roman Catholics to form societies for education; but whilst almost every other association for instruction has shared in the liberality of Parliament, in this case alone has all encouragement been pertinaciously refused. Yet it appears from a table recently published, * and uncontradicted, that in the single Archdiocese of Tuam, the titular prelate and his clergy maintain 166 schools, containing 13,064 scholars—being a greater number of schools and scholars than can be found in the hands of those societies to whom tens and hundreds of thousands have been granted by the Legislature.

It may be asked, whence then arises the controversy? If the Catholics are really anxious for education, will they not also admit, that education is incomplete if founded on an exclusion of all religious principle? To this the Catholics give an unqualified assent. ‘It is most respectfully submitted to his Majesty’s government,’ observed Lord Fingall and the five Bishops in 1819, ‘that the want of an early *religious* education is one of the causes why the peasantry are so easily induced to take unlawful oaths, and to commit those acts which have disgraced this country, disturbed its peace, and impeded its prosperity.’—‘The only education which is not an evil in itself,’ † Dr Doyle too broadly states, ‘appears to me to be that which regards both the mind and heart, by uniting the literary with the *religious* improvement of the people. To give a child a literary education, and send him forth when grown up to learn the principles of his religion amidst the bustle of the world and the tumult of his passions, would be only to increase his capacity for evil, without subjecting him to any effectual restraint, or furnishing him with any sufficient instruments to good.’—‘To the task of Irish improvement,’ observes Mr O’Driscoll, ‡ ‘you must bring the powerful engine of *religion*, and, by a long, laborious, and persevering process, aided by the education of letters, you will effect much.’ The excellent pamphlet of the Roman Catholic clergyman, § already quoted, carries this principle still further; and after having enumerated the many vices and errors prevalent among the various classes, states, ‘Such are the effects of education, without the accompaniment of religious instruction.’

* Practical Views on the Condition of Ireland, by Encas Macdonnell, p. 16.

† Pastoral Instructions, 1821, p. 61. *App.*

‡ Thoughts on the Education of Irish Poor, p. 15.

§ Proposal for Advancement of Religious Knowledge.

Nor is the conduct of the Roman Catholics inconsistent with these declarations. Religious associations, or Confraternities, * as they are called, are found in many parishes; the members of which are under obligation to 'assist in instructing the ignorant; teaching the Catechism; reading books of piety for the improvement of others; preparing children for their first communion, and visiting the sick.' These recommendations have been acted upon; and some of the best and most extensive schools in Ireland are exclusively under the direction of Catholic Religious Societies. We can refer particularly to the schools established by a benevolent Catholic at Waterford and its vicinity, to the Monk's school at Cork, and the school of St Clare at Limerick.

From a conviction that the mere establishment of schools would leave the task of education incomplete, efforts have also been made by the Roman Catholic clergy to supply useful books, and to establish circulating libraries. These establishments are the more valuable, because they are supported by the people themselves; and their good effects may be estimated from the following statement.

'I know a parish where, but a few years back, the people were ignorant and vicious to a degree exceeding belief. The pastor, finding it impossible to afford sufficient opportunities of oral instruction, resolved to try whether religious reading might not prove a useful substitute. Accordingly a stock of books was procured, placed in the chapels, and given to the people in the manner of the circulating libraries. From such as were able to afford it, fivepence in the month were required as means of paying for the books, and of adding to them occasionally. In this manner has the system proceeded for upwards of seven years; during which time it has cost the Pastor very little trouble; few books have been damaged, and only two or three lost. Such was the people's indifference, or rather aversion, to spiritual reading when first proposed, that it was difficult in most cases to bring them to it. But in a short time, the practice began to create a relish for itself; new light sprung from it, and showed the people their alarming deficiencies. Through the means of these books the character of the people is so much improved, they are become so orderly, sober, and in many instances so religious, that those who knew them previous to the period in question, wonder at their change.' ‡

* Dr Doyle on Confraternities, p. 53.

‡ Proposal for Advancement of Religious Knowledge, p. 25.

After considering these facts, we trust our readers will admit, that, both in theory and practice, the Roman Catholics are friendly to education, and in particular to that education which is founded on religious instruction.

But though such are their opinions, they vehemently oppose any system connected directly or indirectly with Proselytism; and under this name it is no doubt true, that they object to schools in which all children who have reached a certain proficiency in reading are *compelled* to read the Scriptures. On this principle Catholics and Protestants are at issue: it is the question which has excited the most furious animosities, and has impeded incalculably the progress of education in Ireland.*

Which of the two parties has reason and justice at its side?

‘We venture to express our unanimous opinion,’ † declare four prelates of the Established Church, ‘that no system of education can be carried into effectual execution in Ireland, unless it be explicitly avowed and clearly understood, as its leading principle, that no attempt shall be made to influence or disturb the peculiar tenets of any sect or description of Christians.’ To this we fully and cordially assent; nor can we sufficiently praise the wisdom and liberality of the principle thus stated by the Commissioners. The simple question to be discussed therefore is, whether an enforced reading of the Scriptures by Roman Catholic children, received in schools maintained at the public expense, does, or does not, contravene the doctrine thus laid down in the 14th Report?

In questions of religious faith, no one sect has the right, or possesses the means of judging for another. An act, however reasonable or meritorious in one class of persons, may be considered blameable by another. With the great majority of mankind, wearing a hat is thought a matter with which the conscience has little concern, and offering evidence on oath to forward the ends of justice seems an act which it would be irrational to condemn. Yet the broad brim of the Quaker resisted the whole efforts of the State; and the small community of the *Unitas Fratrum*, or Moravians, have been respected by the Legislature. Both sects have been allowed to decide for themselves; and we neither inflict penalties nor withhold benefits on account of their conscientious scruples. ‡ The Protestants, bred up as they are ‘in a set of principles and notions differing from ours on the

* 14th Report on Education, p. 2.

† Sessional Papers 1813.

‡ Proposal for Advancement of Religious Knowledge, p. 42.

‘mode of communicating religious knowledge, cannot fairly judge us by their own criterion; and, therefore, as benevolent men and as Christians, they ought to be more indulgent to our feelings in what regards the religious education of our people, and more cautious of charging us with hostility to education, and to the moral improvement of the poor, merely for endeavouring to preserve them in the religion for which their fathers suffered.’ Such is the calm and rational appeal made by the author to whom we have so often referred,—a Catholic priest himself, and fully competent to speak the opinions of the body to which he belongs. It is not because, as Protestants, we believe that Scripture reading in schools is meritorious and useful, that we have any right to call on the Catholics to assent to such a proposition. Perhaps the broadest line of distinction between the two sects, and that which to us constitutes a principal superiority of the reformed churches, is the assertion of the right of private judgment in matters of faith by all of the Protestant communion. But this, which we pertinaciously assert, the Roman Catholics pertinaciously deny. This has been, from the earliest times, as much an article of their religion as transubstantiation, or the seven sacraments: and as a corollary from this denial of the right of private judgment, necessarily follows the refusal to place the Scriptures in the hands, either of the young or of adults, without the commentary of the Roman Church upon the sacred text. Should we act wisely in refusing to educate the Irish peasantry, unless they read books in which the invocation of the Virgin and the intercession of the saints were attacked? The question of an enforced Scripture instruction is the same in principle, and only differs in degree. We declare our willingness to educate the Catholics; we protest against allowing any religious distinctions to influence us; and yet we affix to our interposition the very reasonable and moderate condition, of abjuring one of the peculiar doctrines of their Church. ‘Why do not priests allow the Bible, that excellent and sacred volume, to be read in schools?’—We might as well inquire, ‘why they forbid their flocks to come to church,—that excellent and sacred place, or to profess Protestantism, that excellent and sacred religion?’ *

But the Roman Catholics have more to complain of than an obligatory Scripture instruction, though even that we have seen to be at variance with the principles of the 14th Report. Frank

* Letter to Right Honourable C. Grant on Bishop Mant’s Charge, p. 32.

avowals of the intention of making proselytes have taken place; and exhortations have been delivered to encourage the faithful in the performance of this duty. In this some members of the Church, and the more zealous dissenters, have concurred; who, whilst they declare controversial war, are horror-struck that the Catholics, in their turn, should invoke the fathers, and prepare for battle. A prelate who informs us that ‘His Majesty had been graciously pleased, by the recommendation of his confidential advisers, to intrust him with the charge of an extensive diocese,’* calls the attention of his clergy ‘to the corrupt system of faith and practice by which the people committed to his care are beset and entangled.’† He then proceeds to inform them that they are sworn ‘at their ordination, to effect the removal of the errors of the Romish Church from the minds of their parishioners, *with a view to the substitution of the reformed code of Christian truth*, which is professed by the United Church of England and Ireland.’‡ The bishop then states, §, that ‘Education ought to be considered by us, not as the instrument of political, civil, or even moral improvement, but of religious improvement; ||—not religion according to any indeterminate notion of it, but the religion of Christ, not only as the Lord hath commanded, but *as our Church* hath received the same. This we are to bind upon their belief, and interweave into their practice.’ After this declaration, it was not surprising that the Hegira of this prelate, from Kilalloe to Bath, was rapid and unexpected.

The conduct of some of the zealous Dissenters has been even more objectionable than this frank indiscretion on the part of the Church. Their wisdom has, in many instances, been that of the serpent; and, whilst protesting against proselytism, they have endeavoured in every way to undermine and attack the faith of the peasantry. Tracts of the most insulting tendency have been printed and circulated. When ‘The Prophecies relating to Antichrist,’—‘Latin Prayers not fit for Irishmen’—‘Close conformity between the Jews and Roman Catholics,’ are distributed at the same time, and by the same hands, with the Bible, is it surprising that the latter should be viewed with some degree of suspicion? Were these efforts at conversion made through any other agency than that of education, they would not be so objectionable; and, if they were made fairly and above board, they would not be so deserving of moral censure. But every school into which this evil spirit enters creates around it a circle of

* Charge by the Rev. Dr Mant, p. 1.

† p. 25.

§ p. 27.

‡ p. 26.

|| p. 41.

suspicion and alarm, and limits the exertions of those who ought to be successful, because they are honest and sincere. May we not ask these friends to proselytism, avowed or concealed, whether they would tolerate from the Catholics the conduct they themselves pursue? What would they think if Dr Doyle and Mr O'Connell were to make an apostolic tour throughout England, lecturing publicly at every market town against the error of heresy, and recommending the consolatory doctrines of indulgences and absolution. The conversion of a single Protestant, even that of a bar-maid at Shrewsbury, or a waiter at Barnet, would shake all Bartlett's buildings to their centre.

Our readers must not imagine, however, that we consider the Roman Catholics, though excusable, altogether blameless. They have sometimes taken alarm when danger was not impending, and have refused the services of friends, who had no second or hidden object in view. Such is the natural consequence of any system like that which prevails in Ireland, mischievous no less by the evil it produces, than by the good which it prevents. Whilst we admit the great sacrifices made out of their poverty by the Catholic clergy, whilst we are grateful for the services they have rendered, we cannot consider them a proper body to be unreservedly intrusted with the duties of education. These duties we consider as both civil and political; and in their discharge the clergy of neither sect should be allowed any dominion. An unrestrained power may be conceded to them in religious instruction, and it is their duty to prevent any improper interference in matters of faith; but this is all they should seek or obtain. They may be useful instruments; they would be dangerous masters.

On what plan then ought the education of the poor to be placed in Ireland? Our answer is a simple one—on such a foundation as will ensure to all sects equal advantages, and will extend to every peasant the means of instruction. One common system for all, whether Protestant or Catholic, we consider to be infinitely preferable to separate and exclusive schools. But if separate schools are to be maintained for Protestants, a measure which we deprecate, it is the grossest injustice to leave the establishment exclusively Catholic, without similar assistance. With respect to the course of reading to be adopted in liberal schools, those who have considered many of the elementary books of Catholic religious education, are aware that the greater part of them deserve the approbation even of Protestant instructors. We would refer to Chalmers's *Morality of the Bible*, the *Evangelical History of Christ*, Reeve's *History of the Bible*, and many others. In some of the periodical circulating libraries we have described the following books are admitted:—Dr Hornihold's *Explanation of the Commandments*—Bossuet's *Exposition of*

Christian Doctrine—*Golther's Exposition of the Epistles and Gospels*—*Imitation of Christ*—*Chaloner's Meditations*. On these books the religious education of Catholics might very safely be founded. We are also convinced that certain extracts might be made from the Scriptures themselves, which would give no offence to pious Roman Catholics. In the schools of mutual instruction, both in France and Italy, works of this description have been introduced and approved of by the clergy. We particularly call the attention of the Irish Catholics to the *Sacred History of Autonelli*, published at Florence in 1819. (*Compendio d'Istoria Sacra, ad uso della scuola d'inseguementa, reciproco a Firenze.*) The tablets used in the French schools are also worthy of attention. ‘*Les tableaux de lecture choisie, tous des sujets religieux et revêtus de l'autorité ecclésiastique, font de chacun des exercices une sorte d'instruction pour le cœur, en développant les sentimens les plus favorables à la pratique de la vertu, (Rapport de la Société pour l'Instruction élémentaire, 1823, p. 31).*’ The study of such extracts seems to have been all that was contemplated by the Commissioners of Education, when they speak of ‘a selection from Sacred History, which shall not be liable to any of the objections made to the use of the Scriptures in the course of education.’* This too is all that is suggested by Mr Leslie Foster, when he recommends ‘such extracts from the New Testament, † as no candid Roman Catholic can imagine to have any bearing on points in dispute.’

That this proposition would not be rejected by the Roman Catholics, we infer from the reasonableness of the case, and the document presented to Mr Grant by Lord Fingall and the five Bishops, and also from Dr Doyle's directions given in a printed letter to one of his clergy. ‘To meet the wishes of others, a lesson or lessons of the Douay Bible may be read for the Roman Catholic children each day, by the master who teaches them their catechism.’‡ Such a volume of extracts, and other elementary books, having been approved of by some of the most authoritative persons on both sides, we would willingly give to the parish clergy of either persuasion an absolute *veto* on the introduction of new books into the primary schools. These gentlemen should have a constant power of superintendence, and certain hours should be allotted to them for the peculiar religious instruction of the children of their respective communions. If Parliamentary grants are necessary, they should be appropriated exclusively in building school

* 14th Report. Education.

† App. to 14th Report.

‡ Pastoral Instruction, p. 63.

houses, training masters and mistresses, and providing useful and cheap books. The school itself should be maintained by the contributions of the clergy, and where those were inadequate, by parish assessment, this charge being thrown upon the landlords' rent, and not upon the occupying tenant. Subscribers to a certain amount, and the parishioners in a special vestry, should be allowed the nomination of the master; but no appointment should take place, except of a person bringing a certificate of qualification from a central school maintained in Dublin. A garden, and wherever it is practicable some acres of land, should be attached to each school; and agricultural instruction, with an elementary knowledge of mechanics and chemistry, should form part of the course of study. Every school should be a school of industry.

Though we are convinced that such a proposition as this would be received with gratitude in Ireland, and would be most useful, we are not such enthusiasts as to imagine that it would remedy all the evil consequences of injustice and oppression. 'An improved course of Education,' observed Mr Plunket, 'ought to grow out of an improved system of Government. We are otherwise only teaching a wretched peasantry to calculate wealth he can never possess, and to read of happiness he is not destined to enjoy.' A writer who, though he conceals his name, is well known as a friend and correspondent of Burke, observes, 'Learning is not only considered by some instructors to be better than house and land, but to be preferable to meat, clothing, and all such coarse enjoyments. If a child's mind is fed, it seems this is all the nourishment he requires. The energies of his spirit are to support the weakness of his flesh, and science is to check the progress of starvation! Then as to clothing, provided his intellect is well lined, no matter how thinly his body is covered,—*Mintagh Shaughnessy's children are very naked!* Poor things, they ought to be sent to school — *They have nothing to eat!*—They should be taught to read without a moment's loss of time!—By writing, reading, and arithmetic, all the evils of life are to be cured, and all its wants supplied.' *

But this is too miserable for mockery. Education is not a nostrum that is to cure every possible disease. We know that equal laws fairly administered, personal freedom, and more extended employment, are the first wants of Ireland. But it is no less true that even these remedies, did we possess a government sufficiently strong and virtuous to try them, would be incomplete without a wise, a comprehensive, and truly liberal system of Education.

* Letter to the Right Hon. C. Grant, by *Atharnic*.

ART. X. *Lettres sur L'Angleterre.* Par A. de STAEL-HOLSTEIN. 8vo. pp. 428. Paris, 1825.

THE difficulty of giving an accurate description of a foreign country, is as obvious at the least as its usefulness is great, not merely to those ignorant of the subject, but to the inhabitants themselves, who must profit exceedingly by observing the light in which strangers regard their character and institutions. Nor is it easy to say which is most likely to lead the stranger into mistakes,—the plan of giving a general, and, as it were, philosophical view of the subject, or that of entering into details, and confining himself to reasoning upon particular facts. Let any man sit down to describe and to speculate upon his own country, and he will speedily discover how little formed his opinions are upon many of the most important features of its policy, and how ignorant he is of matters with the results of which he is daily conversant. Accordingly, the blunders committed by foreigners in describing this country are proverbial. We allude not merely to the ludicrous instances of ‘*Gentlemen will be pleased to take their Places*’—from which notice of the Speaker, one traveller inferred the open and avowed venality of the members of Parliament—and ‘*Funerals performed here*’—which served to another as an illustration of our unfeeling and theatrical nature; but there prevails through their remarks, as well as their statements, an inaccuracy which plainly shows them to be at a vast distance from the truth, and to be theorizing on some creation of their own fancy, rather than relating what they saw. Indeed, though the difficulty must be great in any case, it is incalculably augmented when the subject is a country differing so widely in all its most important political features, as England does from every other.

The able and enlightened author of the work before us has himself well stated the peculiar difficulties to which we allude. After observing how purely fanciful some of the speculations of foreigners have been upon our Institutions, when they reasoned upon them theoretically, he speaks of the almost equal risk of error which those run who attend to the statistical details, without a practical acquaintance with the country. Nothing, as he justly remarks, can exceed the accuracy and usefulness of our Parliamentary Reports upon many important subjects. Yet, to draw from the bare study of these invaluable documents, any thing like a just conclusion as to the actual state of wealth and society in England, would exceed the powers of the most cautious, diligent, and philosophical reasoner. He gives some well chosen

examples of the errors into which a stranger, however well informed, would naturally fall in his attempts to obtain from statistical researches an idea of the face of our affairs.

‘ En Angleterre, les fortunes de l’aristocratie sont immenses, le luxe est poussé à un excès inouï chez les hommes de la classe supérieure. La propriété foncière est concentrée dans un assez petit nombre de mains ; l’étendue des fermes est fort considérable ; l’exploitation des terres emploie d’énormes capitaux ; l’agriculture se fait en grand et selon des méthodes scientifiques. Des lois prohibitives ont porté le prix des grains à un taux exagéré. La classe des non propriétaires est beaucoup plus nombreuse qu’en France ; près d’un dixième de la population est assisté par la taxe des pauvres.

‘ Voilà des faits, sans liaison, et que je prends au hasard, mais dont la vérité est incontestable.

‘ Quelles conclusions doit naturellement en tirer un homme habitué à raisonner juste, mais qui n’a pas vu l’Angleterre de ses propres yeux ? quelle idée se fera-t-il de ce pays, d’après de semblables données ?

‘ Les fermes sont d’une grande étendue, se dira-t-il, l’agriculture est scientifique, elle emploie plus de machines et moins de bras que sur le continent. Il faut donc que les champs soient vastes et couverts de récoltes uniformes ; que des haies, des fosses, des barrières ne gênent point la marche de la houe, du semoir et des autres instrumens d’une agriculture perfectionnée. Des lors on doit voir çà et là d’immenses établissemens ruraux ; mais la campagne n’est point parsemée de ces maisons de paysan, dont l’œil est rejoni dans quelques unes de nos provinces.

‘ Cette déduction n’a rien que de logique ; et cependant elle conduit au résultat le plus contraire à la réalité. Les campagnes, dans la plus grande partie de l’Angleterre, sont aussi coupées de haies que celles de la Suisse ou du Bocage de la Vendée ; leurs récoltes sont variées, des groupes d’arbres les embellissent et sont respectés par la charrue, qui se détourne pour les ménager avec une sorte de vénération superstitieuse ; l’aspect général de la contrée est celui d’un pays de petite culture, et rien n’offre une plus douce image d’aisance et de bonheur que le *cottage* d’un paysan anglais.’ pp. 8-11.

After some other instances of the same kind, M. de Staël observes, that all these anomalies, though their law may be difficult to trace, have nevertheless a law ; and he gives an illustration, which we think has the great merit both of appositeness and originality.

‘ Dans la nature inorganique, les phénomènes n’ont en général besoin d’être expliqués que par une seule cause. Cette pierre abandonnée à elle-même tombe vers la terre ; cette autre se meut sur un plan incliné avec une vitesse accélérée ; elles suivent une loi commune, celle de la pesanteur, et dans quelque lieu qu’un corps soit soumis à l’action de la même force, il lui obéira exactement de la même ma-

nière. Si nous entrons dans le monde végétal, les phénomènes deviennent plus complexes. Telle plante peut prospérer dans un pays et languir dans un autre, quoique soumise à la même culture et exposée au même degré de chaleur : c'est qu'il faut tenir compte et de l'influence du climat, et de la nature du sol, et de la qualité des eaux qui l'arrosent, et de beaucoup d'autres circonstances accessoires. Mais si nous nous élevons jusqu'aux êtres animés, quelle foule de phénomènes variés, inexplicables s'offre à nos regards ! que d'aspects divers ne prend pas la force vitale ! quelles modifications surprenantes ne fait-elle pas subir à la matière soumise à son action ! Nierons-nous pour cela que des lois organiques ne président à l'existence des êtres vivants : non sans doute ; nous reconnaitrons seulement qu'elles sont plus difficiles à saisir, et exigent une étude plus réfléchie.

‘ Un pays libre est dans l'ordre des sociétés humaines ce que sont les êtres animés dans l'échelle du monde physique. Là où toutes les forces naturelles ont eu leur plein essor, on doit s'attendre à rencontrer non seulement des variétés infinies, mais des contrastes bizarres. C'est aussi le spectacle que nous offre l'Angleterre. On ne saurait rendre compte de l'état de ce pays par aucune de ces généralités banales qui plaisent tant aux esprits communs, ou, ce qui est la même chose, aux esprits superficiels. Toutes les questions qui s'y rapportent veulent être étudiées et approfondies en elles-mêmes ; et il n'est guère d'observation générale qui, présentée d'une manière absolue, ne pût être combattue par une observation toute contraire.’
pp. 16-18.

An author who thinks so well, and sets out upon his task with so full and so profound a knowledge of its difficulties, has every reasonable probability of performing it satisfactorily ; and the success of M. de Staël appears to us perfectly undeniable. No foreigner ever gave a picture of England at once so lively, so ingenious, and so free from errors. Here and there may be found a somewhat too great disposition to theorize and refine. One or two mistakes are no doubt to be detected ; but, generally speaking, the view given of this country is correct, and such as reflecting Englishmen (we say nothing of the thoughtless multitude of all ranks to whom it is *not* addressed) must approve. He has seen our institutions and our habits with the accuracy of a near observer, and of one to whom, from much intercourse, they are familiar ; but he has seen them with that freedom from prejudice which no native can have (though, upon political matters, he leans perhaps too favourably towards us) ; and he has been apparently, as far as could be expected, upon his guard against the prevailing fault of ingenious men—great in itself, and the source of the most ludicrous blunders—the disposition to explain every thing by a few general principles. ‘ J'ai visité l'Angleterre ’ (says he) ‘ à deux époques différentes : je l'ai vue pendant la lutte héroïque qu'elle a soutenue contre la puissance de Napoléon : je l'ai parcourue neuf ans

‘ plus tard, après les changemens que la paix a introduits dans
 ‘ son économie intérieure, aussi bien que dans ses relations poli-
 ‘ tiques, et plus l’étude de ce pays a captivé mon intérêt, plus
 ‘ j’ai reconnu que la prétention d’expliquer des résultats si
 ‘ variés par un petit nombre d’axiomes généraux, serait le
 ‘ comble de la présomption ou de la légèreté.’

The first subject to which our author directs his attention, is the comparative state of England and France in respect of the progress which has been made towards general improvement; and he justly remarks, that the striking difference between the two countries consists, not in the superiority of one over the other as the birth-place of great talents, each being ‘ to
 ‘ famous wits native.’ Indeed our author seems willing, in the severer sciences at least, to prefer his own countrymen; but in the general diffusion of sound opinions and useful information, he admits that our superiority is incontestable. In France, you will find men of the most happy genius for every branch of intellectual exertion; a greater number of persons, perhaps, than any where else, whose capacity for ingenious reasoning and subtle generalization seems of universal application. You will also find districts where popular education is in a state of great improvement; Alsace, for example, being superior in this respect to many counties in the north of England; but the greater part of the country is deplorably wanting in the means of instruction. In no part of England can there be found any thing to equal the intellectual famine which pervades many of the French provinces. Brittany is given as an instance; not above one in five hundred of the population attending schools of any kind—that is to say, not one in fifty of the children whose ages fit them for it; and we are told, that the greater part of the provinces are in such a state, that you may go into a large town, the capital of a department, and look in vain, not only for any literary establishment, or for a reading-room—but even for a bookseller’s shop—unless, indeed, the name can be given to a wretched hole, in which mass-books and two or three bad romances are sold. The enlightened views of government and legislation so generally entertained by all classes of the people in this country, he ascribes not only to their better education, but to the long establishment amongst us of institutions which, with all their imperfections, are still incomparably superior to those of other nations in Europe. They have rendered sound opinions on practical points of policy matter of rooted belief and habitual feeling,—making them, as it were, a part of every man’s constitution. The want of such opinions in France at the era of the Revolution, produced the natural consequence, that after the old system was destroyed, with a sufficiently daring hand,

the greatest timidity and irresolution was shown in constructing a new one in its place; and, as it was necessary to do something, the leaders, having no fixed principle among the people which could be appealed to, and no materials to work with, went from one theory to another, and invented schemes of pure fancy, which never took root in the country. By degrees, however, there have grown up, during the changeful times the French have since passed through, certain habits of thinking, which, though far inferior to ours both in number and in strength, seem to promise the materials of free institutions.

Having pointed out the great excellence of our constitution in familiarizing the people with its principles, and making the best of these a part of themselves, our author takes notice of an evil to which this leads—the difficulty we find in conceiving that any thing can be changed which exists among us—and the narrow limits within which we are obliged to reason upon every question of reform and improvement. But he justly observes, that this leads to one inestimable advantage; the progress we make, if slow, is sure; and when the opinion of the people has been so far changed, by long and full discussion, as to create a change in the policy of the State, that change also becomes at once part of the system, and is in no danger of being abandoned for the erroneous institutions which it succeeded.

The contrast between our legislation and that of France, upon the subject of the Press, affords a remarkable example of this position.

‘ Nous avons fait, en 1819, un grand pas dans la carrière de la liberté, nous avons obtenu sur la répression des délits de la presse une loi qui, malgré de légères imperfections, avait été reconnue par les maîtres de la science, par les jurisconsultes anglais eux-mêmes, pour la plus philosophique et la meilleure qui existât jusqu'alors dans aucun pays. Mais cette loi, mal comprise du public, harcelée d'objections déraisonnables, par ceux-là même qui auraient dû le mieux en apprécier les avantages, ne dut son succès qu'au talent d'un ministre et à la complaisance de la majorité. Quelques mois s'écoulèrent à peine, le pouvoir changea de mains, ou, ce qui est pis, les dépositaires du pouvoir changèrent de foi; la nouvelle législation de la presse périt sans laisser de traces ni dans la jurisprudence ni dans les mœurs, et de longues années s'écouleront peut-être avant que la France puisse espérer d'en être remise en possession.

‘ En Angleterre, la lutte a été longue. M. Fox dans le parlement, Lord Erskine au barreau, ont livré plus d'un combat, terrassé plus d'une redoutable adversaire, avant d'obtenir pour le jury l'importante prérogative de prononcer sur la criminalité de l'écrit aussi bien que sur la fait de la publication. Mais plus le débat s'est prolongé, plus le public y a pris intérêt, plus les esprits se sont pénétrés de l'importance de la question; et lorsqu'enfin Lord Erskine

obtint du roi la plus noble devise qui jamais ait orné l'écusson d'un homme d'état, *Trial by jury* (jugement par jurés), le principe dont l'on proclamait ainsi le triomphe était devenu pour l'Angleterre un article de foi politique, qu'aujourd'hui les plus grands amis du pouvoir songeraient à peine à contester.' pp. 46, 47.

The four following Letters are devoted to the very important subject of the division of property; and they contain, mixed with some inaccuracies, a great deal of interesting disquisition, and many very striking facts. He begins with denying that the inequality in the distribution of our wealth is so great as has been commonly asserted; and his chief proof of this is drawn from the returns under the Income Tax, which certainly prove the number of considerable fortunes in England to be very great; for they show that above 25,000 persons have incomes exceeding 200*l.* a year, and that 3600 persons have incomes of above 1000*l.* a year. He then contends that the inequality which does exist is much less owing to the laws than to the habits of the country: For he shows how little, in England at least, can be done to restrain the alienation of land, and how certain it is that all land must, from time to time, become alienable. But the opinions, or feelings, or, as he is disposed to think them, the prejudices of men are universally in favour of primogeniture; and as the alteration in the law of succession in France would not increase materially the number of fortunes given to the eldest son, so he conceives that the abolition of our laws of entail would not sensibly diminish the number of cases in which the eldest is preferred. A curious anecdote is related in illustration of the universality with which the idea of primogeniture has taken root among all classes of the people.

‘ Un maître de forges français, voyageant en Angleterre pour s'instruire des progrès qu'y a faits la fabrication du fer, descendit, il y a quelques années, au fond d'une mine de charbon située dans un des districts où les opinions radicales étaient le plus répandues parmi le peuple. Arrivé dans les galeries souterraines, il s'entretint avec les ouvriers de la nature et de la durée de leur travail, de leur salaire, de leur nourriture, de tous les détails de leur condition. Les ouvriers, à leur tour, intéressés par la conversation d'un homme qui montrait une connaissance précise de leurs intérêts et de leurs besoins, attirés d'ailleurs par la libéralité des opinions qu'il manifestait, lui adressèrent à leur tour quelques questions sur l'état de la classe laborieuse en France. Combien d'ouvriers employez-vous? lui demandèrent-ils.—Quatre ou cinq cents.—C'est quelque chose; et quel est leur salaire?—Que coûte, dans la partie de la France que vous habitez, la nourriture et l'entretien d'une famille?—Leur salaire est inférieur au vôtre; mais cette infériorité est plus que compensée par le bas prix des objets de première nécessité.—Vous avez raison, lui répondirent les mineurs, après avoir fait entre eux un petit calcul qui leur prouvait qu'en effet la condition des ouvriers était meilleure

en France qu'en Angleterre ; mais combien de temps travaillent-ils par jour ?—Huit heures, terme moyen.—Pas plus ! Et que font-ils du reste de leur journée ?—Ils cultivent leur héritage et travaillent pour leur propre compte.—Que dites-vous, leur héritage ? Ils sont donc propriétaires ? ils ont un champ, une maison à eux ?—Oui, sans doute ; du moins la plupart de ceux que j'emploie. A ces mots, l'étonnement se peignit sur toutes les physionomies. Et cet héritage, reprit le plus intelligent des mineurs, que devient-il à la mort du père ?—Il se partage entre les enfans.—Quoi ! également ?—Oui, sans doute, ou à peu près.—Mais une petite propriété partagée entre plusieurs enfans doit se réduire à rien.—Non, car lorsque l'un d'eux n'est pas assez riche pour acheter la portion de ses frères, la propriété se vend et passe entre les mains d'une personne qui peut la conserver entière et l'améliorer.

‘ Ici finit le dialogue ; mais ces deux idées d'ouvriers-propriétaires et de partage égal entre les enfans avaient si vivement frappé les mineurs anglais, que le dimanche suivant ils en firent l'objet d'une discussion en règle dans un de ces clubs où les hommes, même de la classe pauvre, se réunissent pour lire la gazette ou pour s'entretenir de leurs intérêts communs ; clubs où les formes d'une bonne délibération sont généralement beaucoup mieux observées que nous ne le voyons en France dans des assemblées politiques d'un plus haut parage. Après un long débat, on alla aux voix, et la majorité prononça que sans doute il était bon que les ouvriers fussent propriétaires ; mais que l'héritage devait passer à l'aîné, et n'être point divisé.

‘ Voilà donc des ouvriers, des prolétaires, radicaux par leurs opinions ou leurs passions politiques, qui se prononcent contre l'égalité, des partages et en faveur du droit d'aînesse. Il serait difficile de donner une preuve plus forte de l'empire universel que cet ordre d'idées exerce en Angleterre. ’ pp. 63-66.

Our author then examines the consequences of the two systems in an economical view, that is, as regards the increase of national wealth ; and he concludes that the subdivision of property in land, which results from abolishing the right of primogeniture, has no material effect in retarding the accumulation of capital. He dwells principally on two parts of this subject, the effects of the law of primogeniture upon the condition of the younger sons of proprietors, and its effects upon the cultivator, and generally upon agricultural improvement. We cannot agree with him in his views of either of these subjects. He asks how the wealth of the country can be increased by one son having the estate, and the others being left with small patrimonies, which must end in making them receive a portion of the public revenue as holders of places, instead of receiving the same sums directly from the land. But if they receive their salaries, they perform the work required by the State, putting the

case of total abuse, sinecure places, or of partial abuse, overpaid places, out of the question; and then it by no means follows that all a landowner's younger sons should go into the various branches of the public service; on the contrary, most of them, in point of fact, are found filling the ordinary professions and trades; and the bulk of public servants, those in the inferior stations, are the sons of men unconnected with land altogether. He contends that agriculture is by no means injured by the subdivision of land, as long as this is left free from legislative interference; for, without doubting the principle that the best method of cultivation will, generally speaking, be adopted where large capitals are brought to the improvement of considerable estates, he argues that the subdivision, by giving economical and industrious habits to a great number of small proprietors, tends directly to the augmentation of wealth, and consequently provides the capital required, while the free commerce of land will enable persons to consolidate the estates required; and he deems it a gross blunder to suppose that a law of entail, like the one so often proposed in France, for preventing the subdivision of estates, would keep the land in large masses, it being clearly the tendency of such a law to prevent the small estates, everywhere to be found, from being consolidated into large ones, or ones of a considerable size. He asserts that this consolidation is now going on as fast as circumstances require, and particularly, as fast as the capital destined for agricultural improvement is provided.

‘*Quel est donc l'état réel de la France? Le morcellement des propriétés y va-t-il croissant d'une manière si effrayante? En aucune façon. Nous voyons au contraire que dans le voisinage des villes riches, en général sur tous les points où les capitaux s'accablent par le commerce ou par l'industrie, les propriétés foncières tendent à se concentrer. Il est bien vrai que dans les provinces qui ne jouissent pas de cet avantage, comme en Bretagne, par exemple, la division des héritages est poussée beaucoup trop loin; mais dans ces provinces-là même, l'intérêt de l'agriculture mettra un terme à ce morcellement. Déjà il n'est pas rare, dans diverses parties de la France, de voir une famille de paysans convenir que l'un des frères restera propriétaire de la ferme paternelle. Les autres reçoivent de de lui ou une somme d'argent, ou une partie du revenu, et lui restent attachés comme domestiques de campagne, afin de ne pas renoncer aux avantages d'une culture en grand, ou même afin de conserver la considération qui s'attache à la longue possession du même héritage. Car il est à remarquer que, dans l'état actuel des esprits, ce genre de penchant aristocratique est beaucoup plus répandu dans les classes inférieures que dans les classes moyennes.*’ pp. 84-86.

Another matter deserves to be mentioned, as correcting ideas

generally entertained of an important fact. The Revolution in France, our author maintains, has not improved the country so much, by dividing the land into smaller masses, as by placing it in the hands of more industrious owners. The subdivision of land has at all times been great in France. Machiavel long ago remarked, that the people there were more comfortable than elsewhere, because every peasant had a little inheritance of real property. On the other hand, it is justly observed by M. de Staël, that the superiority of England in agriculture can by no means be ascribed to the law of primogeniture, including that of entail, but to the far more powerful habits of respect for that arrangement of property. There needs but a glance at the condition of other countries, such as Spain and Italy, where the law of entail is to be found, without our free institutions, to evince that it is from them we are to deduce this, as well as so many other advantages. With respect to the influence of the subdivision upon the progress of population, he regards the conclusions drawn by his adversaries as wholly at variance with the facts of the case. The too rapid increase of the people in France, and the misery apprehended from it, he treats, and we think as yet justly, as a groundless notion; and he appeals to the example of Switzerland, where the law for centuries has favoured the creation of small properties, and where, in one part of the happiest district, the average size of the estates is under an acre, without the least appearance of a redundant or distressed population. But a comparison of England and France affords, or seems to afford, a more striking instance in his favour; the numbers in England having in twenty years, with all our laws of entail, and prejudices in favour of primogeniture, increased 33 per cent., while, in France, they have in the same time only advanced 8 per cent. The case of Ireland, it is true, proves somewhat stubborn to his theory; but then he refers to 'other circumstances' as the cause; and so, doubtless, may the greater increase in England than in France be traced to causes wholly independent of the distribution of landed property. The *tendency* of small estates to augment population appears to us to be quite undeniable; though it is clear that other things may counteract it, and may likewise accelerate the increase of numbers in a country where property is not much subdivided.

Our author examines, in the last place, the influence of the distribution of property upon the moral and political situation of the people; and we think he has considerably exaggerated the effects of the rights of primogeniture upon the domestic relations of our aristocracy. He thinks it has weakened exceedingly the affection between parent and child, by giving the eldest

son rights independent of the father; and conveying to the heir an interest in the death of the present possessor. The death of a father (says he), or of an elder brother, is, on the English stage, the subject of pleasantries, which are not only borne, but applauded—though they would shock in France the least delicate audience. There may be some truth in this—as well as in the remark, that conjugal attachment is the most perfect part of the domestic character in England: But we cannot help thinking, that the classes in which filial affection and parental tenderness are the strongest, are exactly those on which entails operate the most; and as our author admits, that the habits of the people keep property in its line of descent much more effectually than either entails or the law of primogeniture, he must grant that by far the greater part of the distribution complained of takes place by means which cannot, according to his own reasoning, affect the mutual feelings of the relatives, for it thus appears that the parent is not prevented from disinheriting, nor the child invested with any rights, in the great majority of instances. Upon the political influence of a great landed aristocracy, he observes justly, that how essential soever for the protection of civil liberty, its importance has been considerably diminished of late years. The weight of public opinion has become far more powerful since the Revolutions of America and France; and the questions which divide parties in England are no longer now, as heretofore, merely personal, whether one class of statesmen, one set of families, or another, shall hold the reins of government; but whether one set of opinions, one class of principles or another, shall regulate the conduct of public affairs. All this is perfectly true; and it yet by no means follows, that the influence of the Crown could be surely curbed, or the cause of sound principles be sure of efficient supporters, were there no hereditary aristocracy, founded upon the basis of large property in land. We can hardly imagine a less firm hold than the people would have over a set of needy men, devoted to the service of the state as a mere profession—unless indeed it were the hold they might have over a set of men, each busily engaged in the pursuits of trade, and other gainful employments that absorbed their attention, and monopolized their feelings of honour and propriety. Individuals there may be—probably always will be—in both classes, of virtue and independence: But a body of men, independent in their fortunes, and bearing a part in public affairs, seems quite essential to the maintenance of civil liberty. That the members of such a body must of necessity be selfish, and disregard the public weal, or habitually sacrifice it to their own interests, is about as rational a supposition, as that all the day-labourers in the country should join in an ac-

tive combination to exert the whole physical force of the country (which they certainly possess) for the purpose of seizing the property of the other classes.

As to the nature of parties, our author is too rational a man to indulge in the silly clamour frequently raised on this subject. He knows full well, that they who inveigh against party, attack only the party which exists to check the encroachments of power, and never reflect on the other party, which always exists; which is closely banded together by the strong tie of a common interest, disciplined under regular leaders, and *paid* like an army—we mean the persons in the employment of Government. To this party, which is always making encroachments on our liberties, those thoughtless reasoners would have us bow the knee, merely because it is not called a party, or rather because it is sometimes called a party, and sometimes the government; and the combined operation of men, acting upon public principles to oppose it, is termed faction, and reprobated on account of the name.

The discussion to which we have just adverted is followed by one upon aristocracy and democracy; and nothing can be more sound than the view which he gives of this matter. The extreme respect for rank and title, in which the inhabitants of this country far surpass those of every other in the world, is certainly not allied with the least disposition to sacrifice their rights to those whom they thus stare at rather than admire.

‘ Le goût des Anglais pour les titres et les distinctions aristocratiques, est poussé jusqu’à la badauderie; on les voit se presser en foule pour regarder je ne sais quel prince étranger, dont la fortune et l’importance politique n’égalent pas celles du moindre membre de la Chambre des Communes. Il y a dans le respect, que les gens du peuple témoignent aux classes supérieures quelque chose de si empressé et de si soumis, qu’au premier abord ce respect peut paraître servile; mais en observant de plus près, on reconnaît bientôt que leurs égards pour le rang sont toujours unis, d’une part à une appréciation très juste et même très fine de la valeur réelle des personnes, de l’autre à un sentiment profond de leurs propres droits, comme citoyens d’un pays libre.

‘ Loin que la familiarité ou la rudesse envers les supérieurs soit une preuve d’indépendance ou de dignité de caractère, rien ne s’allie mieux avec une complaisance servile envers la force, et une soumission apathique à l’injustice. Le muletier andaloux fume son cigare avec le grand d’Espagne: est-ce que la philosophie ou la liberté les aient rendus égaux? Non certes, c’est que l’ignorance et le despotisme ont produit, chez l’un des mœurs grossières, chez l’autre des sentimens et des habitudes ignobles.

‘ La première condition pour obtenir des égards dans une classe quelconque en Angleterre, c’est d’être ce qu’on appelle un *gentleman*,

expression qui n'a point de terme correspondant en français, et dont l'intelligence parfaite suppose, à elle seule, une assez longue habitude des mœurs anglaises. Le mot de gentilhomme s'applique exclusivement, chez nous, à la naissance, celui d'homme comme il faut aux manières et à la condition sociale; ceux de galant homme, d'homme de mérite, à la conduite et au caractère. Un *gentleman* est l'homme que réunit à quelques avantages de naissance, de fortune, de talent ou de situation, des qualités morales assorties à la place qu'il occupe dans la société, et des manières qui indiquent une éducation et des habitudes libérales. Le tact du peuple anglais à cet égard est d'une finesse remarquable, et l'éclat même du rang le plus élevé lui ferait rarement illusion. Qu'un homme de la plus haute naissance s'écarte par sa conduite, ou seulement par ses manières, des convenances que lui impose sa situation, vous entendrez bientôt dire de lui, par des gens même de la dernière classe du peuple : *Though a lord, he is not a gentleman*. Quoique grand seigneur, ce n'est pas un gentilhomme.

‘ Que ce grand seigneur commette la moindre injustice, qu'il manque à de certains égards envers l'homme qui ne l'abordait naguère qu'avec la plus humble soumission, et à l'instant vous verrez une rude fierté succéder à ce respect que l'on accorde au rang, mais que l'on refuse à l'arrogance. Le sentiment du droit est si fortement empreint dans les âmes anglaises, que toute considération humaine disparaît, dès que ce principe vital de la liberté et de la dignité sociale, peut redouter la plus légère atteinte. Et dans ce pays si monarchique, l'éclat de la royauté même ne couvrirait pas la moindre infraction à ce que tous les citoyens considèrent comme leur patrimoine commun.

‘ George III donna un jour l'ordre de faire condamner, dans son propre parc de Richmond, une porte et un chemin qui servaient de passage aux piétons depuis plusieurs années. Un bourgeois de Richmond qui trouvait ce passage commode à lui même et aux autres habitants de sa petite ville, prit fait et cause pour ses voisins; il prétendit que, lors même que le passage eût été abusif dans l'origine, il était devenu, par le laps de temps, partie de la voie publique; que la prescription était acquise, et qu'il saurait bien forcer le roi à rouvrir la porte de son parc. Il porta plainte, sans hésiter, devant les tribunaux—et gagna son procès! S'il prenait fantaisie à quelque gouverneur du Louvre ou des Tuileries, de fermer au public des promenades ou des passages dont il a joui de tout temps, aurions-nous beaucoup de bourgeois de Paris qui portassent plainte, ou beaucoup de juges qui leur donnassent gain de cause? ’ pp. 165—170.

It is not, of course, intended by these statements to deny that substantial influence is possessed by mere rank as such, and independent of the property to which it is in general allied. Nor does our author doubt the necessity of keeping this influence in check, as well as the influence of the Crown. But he finds the check ready, in the improvement of the people, which, by rais-

ing them in the most estimable of all qualities, worth and knowledge, has a constant tendency to level the more groundless and invidious distinctions of society; and he considers that this tendency operates, without any desire, on the part at least of the great body of the people, to see the balance restored by the lowering of the upper classes, but only by raising themselves.

This subject naturally leads to another of great importance, the ‘*means of publicity*,’ which he discusses under three heads; the periodical press, public meetings of an ordinary nature, and county meetings. Into his observations on each of these topics we shall not enter at large; but the facts are important; and to some of these we shall shortly advert. The great extent of the reading part of the community in England and America, compared with France, first attracts his notice. In England he reckons a thousand circulating libraries, and three hundred book clubs. Of the latter, we conclude, from what he says, there are none in France, and of the former very few. The efforts, too, of religious and philanthropic societies to circulate cheap tracts has greatly lowered the price of a considerable class of books, and thereby extended the number of readers. But the cheap publications have increased exceedingly, since the time to which M. de Staël’s letters refer, and the sciences have now become by means of them accessible to the body of the people. In 1782, there were 79 political journals; in 1821, they had risen to 284. With a single exception, he says, there is no English newspaper with so great a sale as the *Constitutionnel* and *Journal des Débats*; but the English papers are read by many more persons. The French newspapers have, by an arrangement much to be regretted, contracted the means of publicity, which they would otherwise have afforded. Some are exclusively political and literary,—others mercantile,—others juridical,—and each class of readers reads the journal which treats of the subject chiefly interesting to itself, so that the intelligence upon other subjects which are less interesting, is not received at all, and every thing obtains only a partial publicity, even among the reading classes of the community. Speaking of the extraordinary perfection which the art of reporting has attained in England, our author relates an anecdote of a county meeting which he attended five and thirty miles from London. He had been there the whole morning, and, on his return to town, he found the speeches in an evening paper, which was published at five o’clock! In thirty hours after a debate has ended in Parliament, the report of it is at York. The following passage we believe contains, generally speaking, the strict truth respecting political secrets; but as far as regards the transactions of

private life, there are in these times symptoms of the periodical press encroaching upon them, in a manner which may prove extremely dangerous to public liberty.

‘ En fait de nouvelles politiques, la publicité est tellement de droit commun, qu’un ministre envoie souvent aux journaux celles qui lui parviennent, avant même qu’il les ait communiquées à ses collègues. Il m’est arrivé par hasard de me trouver dans les bureaux de Downing-Street, au moment où un diplomate récemment débarqué en Angleterre, et encore tout frais emoulu de l’école de Ratisbonne, venait demander à lord Castleleigh, s’il n’avait point reçu de nouvelles — “ Comment, lui répondit le ministre, des nouvelles ! Oui, sans doute, et de très importantes, tenez, voici la seconde édition du *Courier* qui paraît à l’instant, lisez la, vous en saurez autant que moi. ” — Je n’oublierai de ma vie la figure de ce diplomate, stupéfait d’une manière si simple de faire connaître ce qui doit être connu de tous. Quoi ! semblait dire sa physionomie, pas une note, pas un office, pas un memorandum, rien qu’un journal à envoyer à ma cour ! je n’aurai ni la dignité des intimités, ni les plaisirs de l’indiscrétion !

‘ Il n’y a pas de pays en Europe où le métier d’ambassadeur soit plus simple qu’en Angleterre, et où toutes les finesses, toute l’habileté prétendue de la diplomatie soient plus en pure perte. Tout ce qu’un étranger peut savoir, il l’apprend en lisant avec attention les journaux des partis opposés. et quant aux faits ou aux projets qu’il importe au gouvernement de tenir cachés, nulle question, nulle intrigue, nul espionnage ne saurait les découvrir. Le très petit nombre des employés des ministères, rend les indiscrétions comme impossibles, et il y a tel secret de cabinet qui se transmet d’une administration à l’administration la plus opposée d’opinions et de système, sans que ni les jalousies de parti, ni la vivacité des débats parlementaires le trahisse jamais. Plus un fait une large part à la publicité, plus est impénétrable ce qu’on croit devoir lui soustraire. Ceci ne s’applique pas seulement aux questions politiques, mais à toutes les circonstances de la vie.

‘ La honte entre ce qui est soumis à la discussion et les points qu’il lui est interdit d’aborder, est tracée par l’opinion, avec une finesse qui peut paraître subtile au premier abord, mais dont on est bientôt forcé de reconnaître la justice. Tel homme souffrira patiemment que ses actions les plus simples, ses moindres paroles soient censurées avec amertume, attaquées avec violence, ou même impitoyablement persifflées, qui s’offensera du plus léger soupçon sur la sincérité de ses intentions, de la révélation du fait le moins important ou le moins fâcheux à divulguer, si la connaissance en est acquise par une indiscrétion. C’est que, dans le premier cas, on n’attaque que sa conduite, et que la conduite d’un homme, même dans la vie privée, est plus ou moins du domaine de la communauté ; tandis que, dans le second cas, on pénètre dans le for de la conscience, ou dans le

sanctuaire de l'amitié. L'opinion, à cet égard, est d'une équité parfaite : et les plaintes de l'homme qui se sentirait ainsi offensé seraient vivement appuyées, par ceux-là même qui auraient envers lui la disposition la moins bienveillante.' pp. 201-204.

'The habit of attending public meetings is, as M. de Staël observes, so much a part of an Englishman's existence, that you see hardly any one who has not the kind of skill and experience required for conducting the business of such occasions; while in France it is rare to find the same talent among men who have passed their lives in public affairs; and a strong characteristic trait of our countrymen is given when we are told, that you constantly find men who, in private society, 'are as shy and even bashful as girls of fifteen, and can hardly answer the simplest question without blushing—rising in a public meeting, and addressing thousands of their countrymen for an hour off hand.' It is no less characteristic of our free institutions, and the entire safety of the greatest freedom of discussion upon public affairs, that meetings where every violence has been used in debate, and vast multitudes have come to resolutions little marked by a temperate spirit, either in substance or language, pass over without exciting even an alarm, while every man in France would tremble for his person and property, were any such language used without a meeting, or any such meeting held without such language.

'The account of our Parliamentary proceedings is, for the most part, extremely accurate. The author, it is true, has here as elsewhere, the disposition to see every thing in the most favourable light; but he is speaking with a view to his own country, and by comparison he may well find many things faultless, of which the people of this country have a good right to complain. As in speaking of the restraints upon liberty in 1795, 1817, and 1819, he exclaims, 'Would to Heaven France were reduced to such a state of slavery!' So he may well find in the Parliament a faithful representative of public opinion, and in the government a correct executor of the public will. No one can deny that, within certain limits, this is true. In the course of time the opinion of the people makes its way into Parliament, and the government yields or compromises. But how many years are spent in error! how many public calamities are occasioned! how many national crimes committed! The interval between an abuse in our system being detected, exposed, and proved to be pernicious, so that no reasonable man doubts upon the matter; and the same abuse being corrected, is generally long,—and it is so much gratuitous injustice to the people—for caution carried to excess would require no such

delay. But there is a portion of this interval more intolerable than the rest; that part of the time which elapses, after every man in the country, not having a deep and personal interest in the continuance of the grievance, is anxious for its removal. The Slave Trade—the Lottery—the Capital Punishment of petty offences—Law Taxes—are a few of the chapters of this large Book of national wrongs, all referable to this source—all owing their prolonged existence to the want of effectual controul over the representatives of the people—the want of direct power in the management of their own affairs. The truth of this seems more than once to have forced itself upon our author. After exposing the shameless proceedings at elections in certain boroughs, referring to his own optimism touching the force of public opinion, he adds—‘You will perhaps ask how a system of such flagrant corruption can keep its ground, in despite of the laws made to repress it’—‘*Sous l’empire de la publicité, et en présence d’une opinion publique si sévère sur d’autres points?*’ But he finds it impossible to answer the question, except by saying, that it is one anomaly among a thousand, and that it shows public morality to be more slow-paced than private improvement, even among the freest nations. The punishment inflicted in case of discovery, by disfranchisement, he justly considers no answer; for while an instance or two of this occurs in a century, it is plain, that unless the abuse is so glaring, and committed by persons so indiscreet as well profligate, that the Parliament cannot be blind to it, there is but little disposition to inquire and detect,—else what is going on all the country over, and almost all the year round, could hardly escape with impunity.

The account which our author gives of the course of Parliamentary proceedings is lively and picturesque—mingled with a little theory, it is true, but that theory ingenious, and, in the main, tolerably well founded.

‘Rien de plus bizarre et de plus inattendu que le spectacle de l’intérieur de la Chambre des Communes; rien qui réponde moins, au premier abord, à tous les souvenirs de l’histoire, à toutes les images de grandeur et de majesté, dont l’esprit se sent comme enivré, lorsque l’on franchit le seuil de la porte. La salle est petite et sans décoration; point de marbre, point d’or, point de teintures; rien que des bancs et des lambris de bois de chêne, de ce chêne robuste auquel le peuple anglais a été si souvent comparé.

‘Sur les bancs, de droite et de gauche, sont assis, ou couchés nonchalamment, des députés, en bottes et le fouet à la main, souvent même le chapeau sur la tête; ils lisent la gazette, causent avec leurs voisins, ou dorment, en attendant une discussion qui les intéresse ou les amuse. Au premier aspect d’une telle assemblée, un observateur

superficiel serait tenté de se croire dans le sein d'un club de républicains ; mais en y regardant de plus près, on ne tarde pas à trouver, dans cette familiarité même, un raffinement d'aristocratie auquel l'orgueil n'est point étranger. Pourquoi se gêner entre gentlemen ? pourquoi faire preuve de politesse entre gens de qualité, tous également certains de la libéralité de leur éducation et de l'élégance de leurs habitudes ? Pourquoi s'astreindre à une dignité étudiée, lorsque d'un mot l'on peut faire apparaître toute la majesté du Parlement, et déployer l'appareil redoutable de sa puissance ? Tel est, je crois, le fond des cœurs, et la véritable explication de la familiarité apparente de la Chambre des Communes.

' Au milieu de cette absence de gêne, de certains égards de politesse parlementaire ne cessent pas d'être rigoureusement observés ; et il n'y a point de reproche auquel on soit plus sensible qu'à celui de s'être permis une expression ou un procédé, contraire aux usages de la Chambre (*an unparliamentary expression or proceeding*). C'est ainsi que dans maint salon bien des gens aimeraient mieux être accusés d'avoir manqué à la morale qu'à l'usage du monde.

' Le grave costume de l'Orateur (*the Speaker*) forme un contraste bizarre avec le frac, la redingote, ou la veste de chasse des députés. La robe noire dont il est revêtu, l'énorme perruque qui couvre sa tête, rappellent à la Chambre, comme à lui-même, qu'il est un Juge, et un juge dont les arrêts sont sans appel : chaque membre se respecte en lui ; et les mots, *Order, order*, prononcés à voix basse, lui suffisent pour obtenir silence, et faire cesser toute interruption. Le sergent aux armes, en habit de cour, et l'épée au côté, est assis près de la barre ; son costume semble représenter l'urbanité, comme sa charge représenter la force. Enfin la masse d'or, surmontée de la couronne, qui repose sur la table, tant que la président occupe le fauteuil ; cette masse, symbole de la puissance impériale du Parlement, est là, comme le lion qui dort, et qui peut se réveiller terrible.

' Si vous doutiez de ce que l'absence de gêne n'est, chez les membres du Parlement, qu'une des formes de l'aristocratie, suivez ces mêmes orateurs dans quelque autre réunion publique, dans quelque assemblée du peuple ou de la bourgeoisie, et vous les verrez aussi prodigues de formules d'égards et de modestie, que vous les avez vus simples et quelquefois rudes dans leurs manières et dans leurs discours, au sein de la Chambre des Communes. Pourquoi ? C'est que dans un cas le rang est marqué par la politesse, et dans l'autre par la familiarité.

' Je n'ai jamais passé l'Atlantique ; mais ceux qui ont eu le bonheur d'assister aux séances du congrès de Washington m'ont assuré qu'il y règne moins d'aisance et plus de dignité que dans la Chambre des Communes. Je l'aurais supposé. Les représentants de l'Amérique se sentent constamment en présence du peuple qui les juge, et qui seul les a faits ce qu'ils sont ; les membres du Parlement, toujours sûrs de leur élection, par droit de naissance ou par droit de conquête, ressemblent un peu aux rois de la légitimité, qui veulent

ne tenir leur pouvoir que de Dieu et de leur épée, et n'en doivent compte à personne.' pp. 356-360.

This is only a small part of the long and interesting description, which, in all its details, is invaluable for such as have not actually witnessed the scene itself, whether natives or foreigners; it brings the reader nearer to the spot, and with fewer inaccuracies than any similar account which we have ever seen. It is mixed, too, with a good deal of discussion upon the forms adopted, and their principles; many of which are of course so familiar to the English reader, that they pass unregarded, although almost all of them are founded in experience, and embody that practical wisdom which results from it.

This able and useful work concludes with a comparative view of the course of legislation in the English Parliament and the French Assemblies—showing the stages of our proceedings in passing laws, and the uses of each stage, and evincing their great superiority to the French stages of the process.

We have ventured to characterize this work as distinguished for its usefulness. It is addressed to the liberal and reasoning portion of the French people; and it contains very many most salutary lessons, the result of observation and experience in this country, delivered in a manner extremely attractive,—if a lively and eloquent style, and indubitable marks of amiable zeal and perfect candour have attractions for the well-disposed mind. Both communities may take a lesson from it; England, by marking the defects which, with all his partiality, the author is compelled to admit in her system and her practice; France, by imitating, as far as circumstances will permit, the improvements which he shows that a long possession of liberty has enabled us to make in our civil polity, and which, in other European countries at least, are never undervalued, but by those to whom freedom itself is hateful, or those to whom it is unhappily unknown.

ART. XI. *Thoughts on Popular Education.* • By a MEMBER of the Church of England. London, 1825.

It is somewhat strange, and not a little melancholy, to observe the alarm which, after all the powers of reason have been exhausted upon the subject, still arises in a very respectable portion of the community, not quite periodically, but at intervals, respecting the progress of the people in improvement. Happily, that progress is, and of necessity must be, increasing. It varies in its rate, according to circumstances,

sometimes makes a very rapid start for a while, sometimes proceeds more sluggishly, but is never, for an instant, arrested. The fears which it excites, however, are extremely fluctuating and capricious: frequently they disappear for a length of time, and that so entirely as to leave their victims in the mind of helping on the cause of popular improvement;—then, all of a sudden, they return with redoubled force, and assume the appearance of a complete panic. The present moment is marked by a fit of this kind: not at all general, indeed, even among the class most subject to such attacks; but very severe in its operation, and extending a little among persons not usually prone to such alarms, but who, in this instance, are actuated by mistaken notions of their own interest. We shall address a few remarks to both these classes—the Alarmists, properly so called—and the Practical Men, the Master manufacturers, who are said to dread the consequences of their men becoming too well informed.

Let any one reflect for a moment upon the real state of the question, and we will venture to say, all reasoning will after this be superfluous. The danger apprehended is from the mass of the people becoming too powerful for *the Government*—for it is truly in this that all the other dangers are comprehended—as danger to the rich in respect of their property, and to the masters in respect of their work: Because, as long as the Government is strong enough to make the law respected, the property of the community is as secure as the peace of the King. The mass of the people, having numbers far exceeding those of the public functionaries of all classes, civil and military, their superior physical strength is decided: and the argument of the Alarmist is, that if to this physical superiority, the moral force of knowledge be added, the multitude will bear down all before them!

Now, does any one really think, that the more ignorant a man is, the less he will desire his own advantage, and the more regard the public weal? The true cause of danger is to be found, not in the reason of men, but in their passions:—and do these rage most in the well informed? A mass of men, the most ignorant that ever were assembled, has indubitably the greatest possible disposition to create confusion, in order to profit by the change, and the greatest power to gratify this desire. Nor can the improvement of their understanding, supposing it to be effected without any corresponding change in their morals, either increase their appetite for plunder and power, or their capacity to procure it. The proof surely lies then on those who maintain the dangers of knowledge. They

must show how a man, by being educated, is more likely to become either an agent of mischief, or a leader in it.

The habits of reflexion which are inseparable from reading, are plainly, and we think confessedly, favourable to orderly conduct. It is the unthinking that are the tools of designing men. One who has a plot in hand for creating commotion, naturally and instinctively resorts to the ignorant and thoughtless for his instruments. It is said, that knowledge enables the multitude to act together, and to compass their ends by concert; but we may be assured that there is no concert so perfect as that which a skilful and daring leader establishes, by his influence over multitudes incapable of thinking for themselves—unless it be the concert arising from instinctive passions working upon base, because uncultivated natures. The diversities of character which education develops, are quite fatal to such implicit obedience, and such blind cooperation. A well-informed mob would be a very strange sight. There would be leaders enough no doubt—but the following of each would probably be confined to himself. But if there is no greater danger of *combined* operations, or rather less of this danger, when men are well informed, than when they are ignorant, there is an end of the alarm at once; because no one can deny that each individual is at least as likely to desire mischief when ignorant, and as able to compass his purpose of producing it.

We believe it may be laid down as a general rule, that knowledge begets prudence. The savage is proverbially thoughtless and improvident; and in exact proportion as he becomes civilized, he acquires the habit of looking forward and regarding the more remote as well as the immediate consequences of his actions. The same holds true of the populace, in countries where education is at a low ebb; but is it not also true of those who are far less deficient in mental accomplishments? You cannot set men a thinking upon general subjects, or subjects which only interest them remotely, as members of a body, without making them also think upon their own situation and immediate interests. To suppose that a working man will occupy himself with the history of former times, or the doctrines of natural or moral science, without being led to reflect upon what is to benefit himself and his family, would be quite absurd. But, if he does so reflect, he must soon find that his best interests, his real happiness, consist in sober and regular habits—and in providing, while he is well, for a day of sickness. Few indeed seem disposed to deny this; and it seems at last to be admitted, that the mere habits of reflexion, engendered by reading, will generally reclaim a man from idleness and drunkenness. But it is quite impossible that the same reflexions should not teach

him his true interest in other particulars; and give him a fixed disinclination for pursuits which would involve himself and his family in far more speedy and entire ruin than even drinking itself can do. Is a man who would not spend a shilling in drinking very likely to join in a mob,—or go to prison instead of the alehouse?

But it is not merely by the provident habits which knowledge produces, it is also by finding substitutes for bad pursuits, that she improves mankind. They who learn, take a delight, of course, in learning. They love their book—they are gratified by knowing what others whom they look up to know, and by knowing more than those they live with; but they also love knowledge for its own sake, for the mere gratification of curiosity and intellectual excitement. This becomes their second pursuit, to which they willingly devote all the time not occupied by their necessary business; and this, therefore, estranges them from scenes of idleness and dissipation, which come to lose all relish; or if they retain any taste for such things, it is only as a variety, and of very rare occurrence, to please at all, or even be tolerable. But men of this character, surely, are not likely to engage in scenes which would at once change their whole existence, and for something they can have no distinct idea of. It is upon calculation, as well as by taste, that they have become sober; but the same calculation is far more against any proceedings, which would involve the country in confusion, by rashly changing the established order of things. In truth there is more fear of such men hearing too much, than being too desirous of sudden revolutions. They feel comfortable and contented, and are averse to risk what they enjoy. This disposes them to overlook many evils, of which they have a good right to complain. They will, it is true, generally be the friends, and the effectual friends of improvement in all our institutions; but they never will be found to aid measures of rash and sudden innovation, by which the peace of society is endangered. The possession of knowledge, the having a pursuit of a nature at once so gratifying and so pure as that of learning, must produce the same effect upon the working classes that the possession of wealth does upon the rich; it gives them a direct *interest* in the peace and good order of the community, and renders them solicitous to avoid whatever may disturb it.

We have now been speaking merely of the general effects of mental improvement on the general habits of the people: But they cannot learn much, without learning how inseparably their interests are connected with the preservation of order, and above all, the inviolable security of property. None but the most ig-

norant can well be persuaded, that an attack upon property would benefit any order of the state. To convince an illiterate mob that, by rising against the rich, every man would become easy in his circumstances, might not be a very hard matter; but a very moderate portion of knowledge would make the humblest portion of society proof against so wild a delusion.

It is quite true, at the same time, that the better informed the people are, they will know the more about the management of public affairs, and be the more determined, by all sober and lawful measures, to correct abuses, and to further needful improvements. But *ought* the inhabitants of any country ever to be satisfied with misgovernment, and blind and callous to undeniable grievances? And ought their rulers to dread such representations as plainly proceed from a sincere desire only to make the system as perfect as possible? The most ignorant people under the sun may, by artful leaders, be persuaded to complain of the same abuses; but with this difference, that they will be just as easily persuaded to complain without any cause, and, when excited to complain, will be controuled by no spirit of moderation or fairness. Unless, therefore, you could both keep the people in utter ignorance, and either prevent any one else from prying into the affairs of the state, or cut off all communication between such curious persons and the body of the nation, not only no security against popular discontent can be obtained, but a more deadly kind of sedition is rendered more likely at all times to break out. What better security can a government desire,—at any rate, what other ought it to claim,—than that its subjects shall never complain without a cause, or complaining, shall never urge their suit with intemperance?

We have dwelt on one topic as calculated to reconcile the Alarmists to the progress of knowledge, namely, that the real object of apprehension, the inequality of condition, exists whether the people know much or little;—that the less they know, the greater is this inequality, and the more likely therefore, are their passions to excite them against the established order of things. Another topic is equally obvious, and we trust that we shall be acquitted of any desire to argue invidiously when we refer to it. The time is past when the progress of knowledge *could* be prevented. The people must have it; therefore, the question is no longer, whether they shall be taught or not? but whether they shall be well or ill taught—taught matters of an useless, or it may be a pernicious kind, or instructed in those things which convey solid and useful improvement to their minds, and strengthen their understandings, while they help them to better their condition? A great and certainly a rapid progress

is now making all over the country in this good work; and it should be matter of joy to the friends of good order, as well as to the patrons of improvement, that this course has been adopted by men of all parties, as well as by men who belong to none; and that the chief promoters of the system have the support of so many in every class of society, because nothing can tend more to preserve harmony among its various orders, than a general co-operation in so important a work. A Prince of the Blood presided at the last anniversary of the London Mechanics' Institution; two Members of the Cabinet are subscribers to our Edinburgh School of Arts; some of the most determined adherents of the Tory school, in church and state, men of exalted rank, are promoters of similar establishments in different parts of the country; and the First Lord of the Treasury lately made the following just and manly observation upon this question:—'We live in a time when great efforts are making towards the general education of all classes, and all descriptions of men; and God forbid that any one should suppose, that there is *any branch* of education whatever, from the acquisition of which any class should be excluded, and from the knowledge of which some benefit may not be acquired.'

The progress of the system is indeed highly gratifying; and, though rapid, is natural, and not in the least degree forced. Between fifty and sixty Institutions are supposed to have sprung up during the last twelve months; and the whole number now established is said to be above eighty. We have a list of fifty before us, not including Scotland, and we know that it is by no means complete. The great Institution in London has advanced rapidly since the building was finished. Its members are now 1887 actually subscribing, being an increase of 404 during the quarter preceding the Report which now lies before us. Large contributions in money and books had been made; and the attendance of the working men at the Lectures had been unremitting, and their conduct unexceptionable.

As to the other class of alarmists the Master manufacturers—we have but little to say—and we cannot think that much can be necessary. If they find it unpleasant, as we trust they do, to see their workmen better instructed than themselves, the remedy is, to improve their own knowledge,—not to obstruct that of their men. Society, and the arts of civilized life, will gain immeasurably by the improvement of both classes: and it is obvious, that the most important improvement is that which, in the first place, affects the most numerous class; and, in the second place, excites most powerfully a corresponding improvement in the other. As to the vain surmises, that the increased in-

intelligence of the workmen will make them more apt to enter into improper combinations, or more disposed to exercise an undue control over their employers, these plainly belong to the more general question of alarm, on which we have already said all that is necessary:—and, as we have alluded to the subject something at large in a preceding article, we shall content ourselves now with observing, *first*, that all the recent disorders among the workmen have been among the least, and not the most instructed classes; and, *secondly*, that one of the best, the earliest, and the surest fruits of intelligence, and habit of reflection, must be, to put down that spirit of discontent and contention, which has only been kept alive between the operatives and their employers, by their mutual ignorance of the laws to which their relation is necessarily subjected.

Art. XII. *Considerations on the Game-Laws.* By EDWARD LORD SUFFIELD. Second Edition. 8vo. pp. 105. London, 1825.

THIS is perhaps the ablest, certainly the most useful thing beyond all comparison, that has been published upon the important question of the Game Laws: And as we know that it has convinced a number of persons whose prejudices and supposed interests had blinded them to the evils of the system, so we are quite sure that it is eminently calculated to awaken the attention of those who labour under no such sinister influence, and are only prevented, by inadvertence, from seeing those evils in their strongest light. The latter class are by far the most numerous, though the former possess the most weight in our Legislature; but it is the character of Lord Suffield's excellent Tract to give neither any offence, by the manner of his discussion,—while his statements and his reasonings are equally calculated to reconcile the interests of both with those of the community at large.

Those who have not attended to the details of this subject among our Southern neighbours, can form no conception of its fearful importance to the morals of the people, and the good order of society; and we consider the exposition of this to be among the most valuable parts of the service performed by the noble author. He has given, upon the whole case, the results of his own long experience as a game preserver and a magistrate; and the most striking portion of his work is referable to this head. It gives the best confirmation to all that had before been said of

the effects of these laws upon the welfare of the country; and the boldness with which one every way so qualified to speak authoritatively on these matters, delivers opinions so much at variance with the bias he might be expected to feel, is of the greatest use to the progress of sound opinions.

The evidence taken before the Committee of 1817, affords the most remarkable proofs of *the inefficacy* of the law to prevent the sale of Game; and shows therefore that considerable numbers of individuals must be engaged in illegally supplying the market with it. Poulterers deal in it almost universally; and having tried to put down this branch of their business by a general agreement, the attempt was frustrated by a few of the trade holding out. The poultry salesmen also deal in it—they receive it from higglers—from coachmen and guards—from carriers—from publicans—gentlemen's gamekeepers, and in no little proportion from Gentlemen themselves. This fact, which had been doubted, as it came on the authority of a witness whose name the Committee for obvious reasons did not make public, Lord Suffield corroborates, by relating some facts known to persons for whose veracity he answers, and who communicated them to himself.

I have heard from a friend, on whose veracity I can place the most perfect reliance, of a Nobleman who did send his game to a poulterer. The poulterer returned him in exchange a certain quantity of poultry, for which, without this set off, he would most unquestionably have been paid in cash.—From another friend, equally entitled to credit, I have heard of another Nobleman who actually did sell his game to a London dealer, and was annually paid for *it in money*. From a third friend, whom I believe as implicitly as the two former, I have heard of a county magistrate who now annually pockets from three to five hundred pounds by the sale of his game. I have also the strongest reason to believe that young sportsmen very frequently pay for guns and shooting tackle by sending up game of all descriptions. If the cautious and irresponsible tone in which I have thought it right to speak respecting this description of law-breakers, should fail to make the proper impression, I have still another case to submit to the public, which will put beyond all question the probability of the poulterer's averment. An example has fallen within my own knowledge, of a proposal made by a London dealer to take all the game a gentleman possessing a large estate might choose to send him. And what renders the matter still more singular and still more illustrative of the fact, that such contracts are common—the party applied to was a gentleman, whose character was of a kind to render his entering upon such a traffic utterly improbable, and the dealer had not the slightest knowledge of him, either personally or by intercourse of business.

‘ I ask then—I confidently ask—is it reasonable to suppose that such a proposal as this could be made to a gentleman unless the professed dealer in game had some reason to think it would be accepted? And what reason could he have for thinking it would be accepted in this instance, but the positive knowledge of similar transactions?’ pp. 14, 15.

Now all these persons are engaged in the violation of the law; and, as it is a law against which the current of public opinion sets very strongly, they break it with little scruple. But such acts, though in one respect less dangerous to integrity than crimes which shock the feelings and give the horrors of remorse, are yet, from their frequency, extremely hurtful to morals—both by begetting a habit of practical disrespect for the law, and by accustoming the mind to concealment and deception. The poachers themselves, however, are the most dangerous, though not the most numerous class of persons whose criminal acts are imputable to the system. And when it is considered that *twelve hundred* persons are every year committed to prison in England for offences against the Game Laws, we may easily conceive how many are constantly in training all over the country, for the very worst offences known to the law—those in which a desperate violence is displayed, alike reckless of the criminal’s own life and his neighbour’s! To the formation of this character the Game-laws are singularly well suited. All but an inconsiderable part of the community are adverse to them; many in respectable stations are seen daily to violate them, and connive at their violation, and enjoy the profit or convenience of it. The peasantry in agricultural districts are exceedingly ill educated, and very little likely to look forward to consequences that appear remote. Nothing, therefore, is more easy—nothing lies so much in the way of a poor and idle young man, especially if of a somewhat adventurous disposition, as to do one act of poaching, and then the line is passed—he is almost certain to continue. Our author says, his experience justifies him in asserting, that in the poacher once formed, ‘ we have a fair promise, if not the absolute certainty, of an ultimately accomplished villain.’

‘ Poaching is usually practised in the night; and the barrier of repugnance to a first offence once passed, men become strangers to the light of day, to the light of their own conscience, and to the light which the declared opinion of society sheds upon crime, exhibiting it in all its natural deformity. They are even allured by an innate love of the sport, which is the common property of our nature—they are inspirited by the adventurous character of the enterprise. Their associates in the night are necessarily men of their own profession, or worse; their scruples at the commission of more heinous offences are soon expelled by ridicule, or drowned by drink, they become su-

pected, and, if warned by any punishment for snaring a hare or shooting a pheasant, and led by that means to a desire to return to their originally honest and industrious habits, they find a difficulty in obtaining a service, and perhaps even of procuring daily employment. There is a superabundance of labourers, says the farmer, and I ought to prefer those who are honest; besides I shall perhaps lose the grain out of the manger in my stable, my turkeys' eggs, or the fowls from their perch. The squire will of course take care to avoid having a poacher upon any part of his premises; he thinks it would be madness to trust one in the neighbourhood of his preserves. The result is, that the poor wretch is all but compelled, and certainly very strongly tempted, to resort to his former profitable course of life; and when he resumes it, the feelings which actuate him are of a tenfold more dangerous kind than those which first allured him from the path of honesty—1st, The certain loss of character, of which he is conscious, removes one of the best moral preservatives of honesty, viz. the fear of disgrace, while his dissolute and irregular habits have weakened his natural affections. 2dly, He no longer values the world's estimation of himself; and he becomes less sensible to, or more regardless of the consequences which his infamy and guilt may entail upon a once beloved wife, a formerly dear and endearing offspring, or a reputable family connection; in fact he feels himself an outcast of society; he apprehends that every man's hand is lifted against him, and he becomes prepared to lift his hand against every man. All the bad passions of his nature assume uncontrolled dominion over him; his conduct is ruled now perhaps by an inordinate desire of gain (as it strikes me, more nearly approaching to an equality with the higher class of offenders already spoken of) by malice, by revenge; all in their turn. He escapes the commission of the most atrocious crimes only by the absence of temptation, opportunity, or the fear of punishment—the first depending upon circumstances, the second measured by the extent of his own genius, and the third by the amount of his fortitude and intrepidity.' pp. 23–25.

This picture, Lord Suffield informs us, is drawn from the life; and he gives, in support of it, a few cases out of many that have occurred upon his own property. These were of persons taken at different times in the act of poaching, and afterwards tried for felonies, and transported. One, a most singular instance of desperate courage and perverted ingenuity, we cannot resist the temptation of citing at length, the rather, because it leads to a remark of some importance.

'Green was born of poor parents, and had little or no means of education. He was of tall stature, very great bodily strength, of surprising ingenuity, and of undaunted courage. At a very early age he commenced the business of a poacher, tempted on the one hand by his wants, and on the other by the "wages of iniquity"—the price offered for game, the abundance in his neighbourhood, and

the facility of taking and disposing of it without detection. By snaring, which he for some little time practised with success, eluding the vigilance of the gamekeepers by his activity and skill, he acquired sufficient means to provide himself with a gun. This gun was soon afterwards heard at night in one of the woods near Guntton. One of the principal keepers instantly proceeded to the spot as usual, for the purpose of reconnoitering the enemy; and finding only one man, he did not summon his assistants, but advanced upon Green alone. As it happened, in this keeper Green found a man of equal prowess and of maturer nerve, which may easily be imagined when the fact is stated, that some years afterwards (at the age of sixty-five) this same keeper, in single combat, which lasted nearly an hour, with a very desperate character, and a powerful man, only half his own age, finally overpowered his antagonist, and made him prisoner. A similar fate attended Green. He was taken with his gun, and a pheasant in his possession, and committed for a short term of imprisonment to the house of correction at Aylsham. There he remained a very few days before his ingenuity suggested some means of escape, of which he availed himself; but he was very soon retaken, and he remained in safe confinement till the term expired. The conflict which he had maintained so manfully with a veteran, and the circumstance of his breaking prison, made him in some degree notorious, and it is to be presumed that he did not afterwards find it easy to obtain employment. He associated with other idle and dissolute persons; and whether he resumed his habits of poaching or not, he committed another offence, viz. that of breaking open a watchmaker's shop. He was tried for the burglary, convicted, and condemned to be hanged, but the sentence was commuted for transportation. While he was awaiting the execution of his sentence, he twice made his escape from the Castle of Norwich. He effected it the first time in the following extraordinary manner. Between his apprehension and commitment he contrived to have an iron skewer tied up within a tail which he wore, similar to that still frequently worn by sailors. With this skewer he picked a hole through the wall of his cell, which was one of those furthest from the ground in that lofty building. The hole was four feet below the roof of the Castle; and as I am informed by Mr Johnson, the present keeper of that prison, from his own observation, the size of the aperture measured only twelve inches by nine. He cut his bedding into shreds, and bound them round his body. He was then heavily ironed, yet he crept through this small space, and contrived to reach the roof four feet above him, probably, as it is supposed, pulling himself up to it by means of one of the shreds of the bedding, which he must have previously thrown round one of the battlements upon the edge of the roof. This place of egress was immediately over a paved court-yard; and to use the keeper's own words, from whom I received the account, had Green missed stays, he must have fallen upon the pavement, and have been dashed to pieces. Having tra-

versed the roof to the opposite side of the Castle, he lowered himself down to the ground; he had then to climb over some very high railing covered with tenter-hooks; but he escaped, and finally found his way to a comrade in the city of Norwich, as it has been believed, who filed off his irons, and thus he was set at complete liberty. Whether he was retaken or not before he had committed a fresh offence I do not remember, but he was certainly again in Norwich Castle about two years afterwards, and again escaped. This second escape was effected by means of a key, with which another prisoner had been furnished. On this occasion he relieved himself from his irons by the good luck, as he termed it, of finding the back spring of a knife in his cell or in the airing-yard, and of this he contrived to make a saw. Having once more reached a part of the roof of the Castle, by the help of a rope made as before of some shreds of his blanket, he lowered himself down upon the roof of the shire-hall (a building less elevated), and from thence he descended safely to the ground, by clinging to a leaden water-pipe in a corner of the building. He not long afterwards broke open a dwelling-house, and robbed the premises. How many more heinous crimes he committed I do not undertake to relate, because they were not proved against him; but I have reason to think a very interesting romance might be constructed upon the tradition of Green's exploits, his deeds of daring and subtle contrivances, his hair-breadth 'scapes from detection, as well as from punishment even when detected. For the burglary last mentioned he was however apprehended and brought to justice—he was tried, convicted, condemned, and executed at Norwich. Thus terminated the career of Green the poacher—in the full bloom and vigour of manhood—a career more remarkable for its long duration and continuance, than for its commencement and consummation, or the connexion between them.' pp. 30–32.

This pamphlet of Lord Suffield's is not intended for the perusal of men in Green's station: But the story, like all others of the same kind, will find its way to persons of this class; and we would fain impress upon the minds of those who are engaged in preparing such publications, the infinite importance of representing the miseries and discomforts of such a life as Green's in the strongest colours. To relate that he was in great hazard more than once, and finally died on the gallows, is not enough. All the facts that are brought forward most prominently, wear the aspect of romantic valour and extraordinary dexterity; these occupy the whole narrative: But it is absolutely necessary to show that they occupied but a few days of the man's guilty career; and to dilate upon the unnumbered disquiets, the perpetual wretchedness of every kind which filled up the rest of his days and his nights. Until such histories, by this kind of fullness, resemble more nearly the scenes they purport to describe, we may be well assured that, in the hands of the common people,

they are worse than unprofitable. But how unspeakably useful would his task be, who should obtain the details of such a man's misery, and selecting the most remarkable, give them, in a simple and impressive manner, to that class of the people most likely to pursue such courses if left to themselves!

We have passed over one class of poachers to which Lord Sturfield alludes, and certainly the most desperate of any,—the thieves discharged or escaping from prison, who betake themselves to poaching, become ringleaders of gangs, and are generally found leading those bodies of armed ruffians who attack the gamekeepers. He gives one instance to show the extent of these attacks. Twenty-five gamekeepers and their assistants, of a great preserve in Norfolk, were met about midnight by *thirty-six poachers*, upon whom they fired somewhat hastily, and were thus exposed to a more than mortal hazard of being overpowered, but by their ill-timed retreat, and in advancing when the poachers had fired they put themselves to flight, and then it was discovered that only ten of the club men, the others being poor creatures hired at half a crown a night each by the regular poachers—who generally provide the guns, as well as the money required, in case any of their accessories should be convicted in the penalty, and who take the whole profits of the chase. But Lord S. justly considers this class as not sufficiently numerous to form any separate ground of argument, although it no doubt illustrates the effects of the laws, and their tendency both to produce desperadoes and to furnish them with better tools.

Can any man, then, assert that we have a portion of our laws so framed as to lead a great part of the people into habitual misdemeanor, — to select the portion best qualified by nature for desperate offences, and to train it to the commission of these, by turning it to the practice first of lesser, and then of greater enormities? As long as crime is an object of desire to the rich man who has no funds, so long will it be supplied in spite of the law made against it, and each man who can afford to pay the poacher's and the carrier's price, is rich enough to give occasion the violation of the law. Every such fact of sale is connected with a number of petty crimes, which form lawless habits, and lead to serious offences. A great part of the people thus become accustomed to offend, in one way, and opportunity alone is wanting to make them change the direction of their wrong doing. According to the various dispositions or capacities of individuals, some will betake themselves to the less degree, and others to the more desperate lines of criminal indulgence, and a constant supply must be afforded of the materials whereof blots are made. In this state of things should

no longer be suffered to exist; that it should, at all hazards, of annoyance to the comforts or the sport of country gentlemen, be got rid of; that to escape from it, and to free the community from its evil consequences, we should be prepared even to encounter the most serious of all the mischiefs threatened, the non-residence of the landowners—seems to us, as it does to the noble author of this Tract, a proposition beyond dispute. But there is no reason to distrust any such alternative, and he proceeds to discuss the remedy, with the same talent and the same boldness, with which he has pointed out the disease, and followed the progress, of the disease.

He contends, in the 77th place, that the game of natural right belongs to the owner of the land on which it is bred, and that, as it cannot be confined within an enclosure, it belongs to him on whose land it is found. Now, since the claim of natural rights of men cannot justly be taken away or abridged, without a manifest necessity, or at least so great a chance of advantage to the whole community, it will justify the privation inflicted on the individual, if it throws upon those who support the game-laws, to show that they answer these conditions. He next shows, that the ancient law of England recognised the right to the game in the owner of the soil; that the first management of it was by the law of William the Conqueror, and his successor, but that the right was reserved by Henry I. with the other laws of the Confeſſion, and that the 13th Richard II. imposed the first formal restraint upon it. But the right still exists is the general intent, and is only limited and restrained in the enjoyment, he proves by a sufficient body of ancient and authority. The point of the question, is one of curiosity rather than use, we perceive, with sanction from the speech of a Secretary of State, who endeavoured to show the absurdity of the course pursued for restraining the enjoyment, and its inconsistency with the object professed to be contemplated.

‘The Hon. Gentleman,’ said Mr Peel, ‘thinks that the qualification ought to be limited to rank, to science, and to talent, but does the present law admit science and talent to the privilege of killing game? How does the present law deal with the clergy? A Doctor of Divinity does not possess the privilege of killing game; he may indeed procreate a qualified person, but he himself is not a qualified person. The eldest son of an esquire or person of higher degree is a qualified person, and as a Doctor of Divinity is a person of higher degree than an esquire, he may beget a qualified man, but he has not himself the privilege of killing game. Men of science and talent therefore are not favoured by the present law—they are merely left to the melancholy privilege of begetting game-killers, who may be men of no talents at all. And what is the state of the law as to qualification founded on property?’

The second son of a man of 20,000*l.* per annum is not by law qualified to kill game; the younger children of a man possessing the largest property in the kingdom are not by law qualified to kill game on their father's own estates. Is it not a most absurd and anomalous state of things to see men acting in the capacity of magistrates, and enforcing the game laws against others, when their own sons are every day violating them?"

The gentleman who is here answered had only been using the argument a little extended, of the preamble to the 13/*h* Rich. II., which sets forth the expediency of disqualifying the lower orders of the people.

The remedy then to which we are thus led, is, that the law which recognises the right, should protect it; in other words, that every man should be permitted to kill and sell the game he finds on his ground, subject only to such restraints as may conduce to his own more secure enjoyment of this property; and that those who interfere with this property should be subjected to such punishment as may be sufficient to deter others from committing the same offence.

The objections made to this plan are discussed with much clearness, and triumphantly refuted. That game is *feræ naturæ* we hear perpetually, from those who have got the words by heart, and speak them by rote,—ignorant that, in the code from which they are taken, they only lead to a recognition of the right of whoever first finds game, to seize and appropriate it, as being without an owner. A more plausible argument however is, that the proposed plan would put the small proprietor (a poulterer, for instance,) in a condition to benefit by his neighbour's estate, and to take, on his few acres, the game bred in the surrounding extensive domains. Lord Suffield denies the fact, on the assumption of which this objection rests. He says, that every game preserver knows the impossibility of the game being to any extent taken from the great cover, if there is sufficient attraction of food, and sufficient vigilance in the keepers. The expense of feeding is very great; he gives the price of the corn purchased for the pheasants on one estate; it amounted in two years to 570*l.* or 285*l.* a year. The other costs of rearing them are to be added; and our author gives the result of an accurate calculation made, on a series of years, for one of the best stocked estates in the country; by which it appears that every pheasant killed upon this property cost the owner twenty shillings. This seems nearly decisive of the question; for how could a poulterer afford any thing like this price? But without providing abundance of food, no considerable number of birds will ever be attracted by him, even supposing the keepers to be insufficient. But, after all, does not this evil, except as regards the

trade, we ought rather to say the avowed and ostensible trade of the small proprietor, exist at present, if it can in the nature of things exist at all to any extent? What now prevents the man who owns or occupies a close of two acres, or a stripe of half an acre on the edge of a game-preserve, from killing the pheasants as they fly over it, or come forth to feed—nay, from alluring them for the purpose, provided he has a qualification, it may be in a town 100 miles off, or by degree, independent of any property? As far as the risk apprehended can be said to exist, the game preserver is at present exposed to it without protection, and in the only way in which he ever can be exposed to it—from the casual vicinage of here and there a small proprietor, who, if qualified himself, may kill a few of his birds, or if not, may allow a qualified friend or neighbour to do so. The new law would never induce poulterers, or other traffickers in game, to take or buy such property, for the remote chance of the birds they might succeed in obtaining upon it, by alluring them from the great cover and the watchful keepers.

But although the markets would not be supplied in this way, they might no doubt be supplied by more considerable owners who preferred the profit to the sport; by such as, from age, infirmity, sex, or station, could not partake of the sport; but chiefly by those who would have some sport, though not able themselves to destroy all the game bred on their estates, and by the trustees of infants' estates; for the costliness of rearing the game would probably prevent its being often bred as a matter of mere speculation. The law ought then to punish the stealing it, as any other theft should be punished. The idea of moral guilt would soon be attached to this offence, and we should see it become as rare as any other species of stealing. Upon this branch of the subject, Lord Suffield has a most able digression, if indeed it be such, upon spring-guns. He contends, that if it would be both morally and legally a murder in a proprietor at once to shoot a man dead who came into his wood with a gun in his hand, it is more unjustifiable to set a spring-gun.

'In the case of a man firing at another, a thousand circumstances might intervene, a thousand considerations might occur, to prevent bloodshed—doubt as to the motives with which the trespasser entered the wood—a knowledge of the trespasser's person, in whom might be recognised a familiar friend, the father of a large family dependant upon him for support, a former benefactor; or even last, though not least of all, some qualms of conscience might arise in the mind of a Christian, whether he should deprive a fellow-creature of life, and drive him headlong into an awful eternity, making himself at once his judge, his jury, and his executioner. The man with a gun in his

hand, in short, might relent before he pulled the trigger.* In the case of a spring-gun there is no such chance for life; it affords no time for repentance or discrimination of objects. The man who set the gun may, for ought he knows to the contrary, shoot his own father, or any perfectly innocent person—in point of fact, innocent persons appear generally to fall the sacrifice of these horrid instruments. It may not be amiss to show how the use of spring guns may be retaliated. Three or four years ago, a person was riding up the public drive in Cossey Park, at a pretty brisk rate, when his horse's foot lighting upon a piece of wood, slipped, and the rider pulled short up. Within a single pace, he observed a spring-gun, set directly across the road, and the wire fastened to a tree opposite. Knowing that Sir George Jerningham (now Lord Stafford) never allowed a gun to be set, inquiry was immediately made, and it was found that a poacher had been taken near this spot a short time previously. His companions had brought this gun, which was stolen from an adjoining manor, and had set it in this road, firing a little beyond it, in order to draw the watch into peril. Fortunately the keepers came up in such a direction that they missed the wire. What renders the circumstance still more remarkable is, that a little girl had passed the gun in her way to school, and not knowing what it was, had cautiously avoided it by striking out of the path into the wood. By the public reports of newspapers it will be seen, that poachers are almost the only persons who escape being shot by spring-guns. Women, children, servants, friends, nay, even near connexions of the parties setting them, frequently suffer by these engines; and I have heard of a Judge on the circuit, who not very long ago wished to take air and exercise before the business in Court commenced, or after it had concluded, was on the point of entering a wood where he would almost inevitably have been shot, had he not received accidental intimation that spring-guns were set there.' pp. 73-75.

The pretence, that without spring-guns game cannot be preserved, meets with little quarter from this excellent author—but with just as much as it deserves. Who can hesitate, he indignantly demands, between the two alternatives, if the question were reduced to this, of game and human life? 'Suppose that

* I have heard the following relation, which corroborates forcibly the supposition I have hazarded in the text. Not many years ago a gang of poachers in this neighbourhood associated together, and bound themselves by an oath, to fight to the last rather than surrender. A battle ensued; they were overpowered, tried, and convicted. After conviction, the leader of the gang confessed that he had levelled and fired at one of the keepers within a very few feet—but that, at the very moment of pulling the trigger, when the gun was directly in a line with the man's head, he had felt remorse—and had in the very instant lifted up the piece, and the shot went over him!

‘ one or the other must be abandoned to their fate, the distance (says he) between the object and the means, to my view, is so immeasurable, that I can scarcely conceive the possibility of their being brought together in competition.’ But he demonstrates, that by a little increase in the expense of watching, the same excessive quantity of game may be accumulated on an estate, which is now in many places preserved by means of spring-guns. This has been done effectually in two places within his knowledge; the numbers of persons hired, or rather retained to come forward when wanted, and only paid when actually serving, is so great and so well known in the country, that no gang of poachers has ever ventured to attempt the ground. If it be a rich man’s taste to kill, or cause to be killed, at an expense of as many pounds, 700 or 800 head of game in a morning or two, it should also, we think, be his pleasure to expend a little more—to make those pounds guineas—in order to prevent the frightful risks to which his neighbours and servants and children are exposed, by the more economical method of protecting the preserves.

It is a very common argument against making game saleable, that the consumption would increase, poaching be encouraged, and the stock soon exhausted. The punishment of game-stealing—into which poaching would now be converted—seems to be overlooked in this objection. The ease with which idle young men are betrayed into the offence at present, would cease to ensnare them, when they knew that they were about to do an act which would expose them to be tried for *theft*. Let the punishment be moderate,—for an excessive severity in this, even more than in other cases, would obstruct the enforcement of the law; but let the act be stigmatized as stealing, and let an ignominious punishment and an exemplary one, be denounced against the perpetrator of it. But the poulterers would certainly prefer dealing with those who came fairly by the article, to committing themselves by a traffick with persons who had stolen it; and it is proposed that a license should be necessary to enable persons to sell game, so that additional security would be afforded against the encouragement of poachers. Perhaps this is the most questionable part of the scheme, unless it is intended to be temporary, and to cease when the enforcement of the new law shall have accustomed men to consider game as property, or poaching as thieving. They, however, who are so much alarmed at the excessive supply of game which would result from the sale being made legal, seem to forget the very abundant supply which all the penaltics hitherto invented are insufficient to obstruct. A

cause was once tried at Lancaster, in which it appeared that every inn in the town of Manchester had been supplied with grouse so early, that a poacher could find no sale for his birds on the 12th of August! A poulterer told the Committee of 1817, that he once saw 2000 partridges in a salesman's possession, and they were thrown into the Thames for want of a market.

We have now adverted to *the arguments* urged against the change. But there are *prejudices* which will prove far more powerful, and which elude discussion; because those who are swayed by them will not state them, and while almost solely influenced by them, will affect to rely upon the thrice-defeated reasons. It is well observed by Lord Suffield, that 'gentlemen have so long enjoyed, under shelter of unjust and arbitrary legislation, exclusive and inordinate privileges connected with game, as to induce a belief in their own minds at least, that these privileges are rights proper to themselves, and apart from all the rest of his Majesty's subjects.' And he mentions a pleasant anecdote of a very worthy man, who maintained, in discussing this question, that 'an Englishman ought never to surrender his right.' Nor could he be moved from this position; and, as our author questions if he could be induced to examine the arguments on the matter of right, so he is quite certain, that unless convinced of there being no such thing, he would die for it 'at the stake—a willing martyr in this rightful cause!' There is, indeed, a disposition to state one of the most pernicious consequences of this prejudice itself, a mere bad feeling, in the form of an argument. Part, perhaps the chief part of the Squire's enjoyment of shooting, consists in the exclusion of others from the sport. 'Can a yeoman of small landed property' (our author asks) 'in a game country presume to carry a gun, and shoot his own game, in the neighbourhood of gamefeeders, without becoming an object of jealousy at least, if not of positive hatred and petty spite?' He tells us that he has found the larger proprietors candidly admitting these things, and then attempting to justify them, by comparing the imaginary value of game with that of a title. Our author justly shows, that how insignificant soever a title may be in some who wear it, that which gives all titles value is, not merely their being confined to a few, but their being, in many instances, known to have been conferred for great civil and military service.

It is satisfactory, that against the weight of prejudice which presses upon this question, we have to set the authority of some who are likely to be heard with respect. The Petition 'of the

‘ Justices of the County of Norfolk, assembled at Quarter-sessions,’ presented by Lord Suffield to the House of Lords last Session, is in this respect peculiarly important, because of the high rank held by that county among the game districts of the country. They state, that ‘ in their capacity of magistrates for a county remarkable for the extensive preservation of game, they have found frequent occasion to deplore the injurious moral operation of the existing Game-laws, under which the commitments to the several prisons in this county have of late years increased to an alarming and unprecedented extent.’ They express their high satisfaction at the attention now paid to the subject of these laws in Parliament; and they ‘ earnestly entreat,’ that provisions may be established, which, by withdrawing some of the temptations to poaching, so obviously arising out of the present Game-laws, may put a check not only to that practice itself, but to those other prevalent habits of vice and crime, of which experience amply proves that it is a fruitful and unfailing source.’

Among these authorities, let us place, and in that eminent rank which it most justly may claim, the opinion of the Noble Author whose pamphlet we are considering. He thus concludes it, with a statement that gives his sentiments greater weight, independent of the sound reasoning and the striking facts by which he has enforced and exemplified them.

‘ I trust it will be felt, that in the foregoing pages I have been guided by public and general principles, and that I have endeavoured to speak, and even to think, as little as possible of self. But my wish to avoid egotism must not be allowed to induce me to suppress some particulars respecting the author of this little work, which may have more or less influence with those who know nothing of the individual whose sentiments on the game laws they have been perusing, the means of information that he may possess, or the private and peculiar interests which he may have a desire to advance.

‘ It may then be useful to inform the reader, that these sentiments, proceed from a proprietor of land (to some considerable extent) in one of the counties most celebrated for game in England, indeed in a county where game abounds to a greater degree than in almost any other. The estate upon which he resides devolved to him by right of inheritance; it has been celebrated for the quantity of game in which it abounds, above most others even in Norfolk, and the success with which that game has been preserved, so long as it has been known as a distinct estate, belonging to a particular family—a term now comprehending a long course of years. He himself has been a game-preserved and a sportsman ever since he attained the age of manhood. As he resides in a corner or an angle of the kingdom, the society of friends from a distance could rarely perhaps be adventitiously enjoyed,

but the abundance of his game affords so great and general an attraction, that during the winter months he has the happiness of being usually surrounded by those whose company forms one of the greatest pleasures of his life. His experience and acquaintance with game-preserving lead him to apprehend no decrease in the quantity of game from more liberal and just laws respecting it, than those which he is desirous of altering: But even if he could contemplate a diminution of the game, as a necessary consequence of such alteration in the law, he would be quite prepared cheerfully to make even so great a sacrifice of his own pleasures, to the hope of putting an end to the crimes which now attend poaching. He trusts then to obtain credit for the sincerity of his belief in the extent and consequences of the evils which he seeks to remove; and at all events it must be in fairness admitted, that he can have no private interest to serve. His evidence upon the subject of game-laws and game-preserving, as to facts within the sphere of his observation, is likely to be honest; and his opinions, if erroneous, have not probably been warped by prejudice, or swayed by any selfish considerations.' pp. 103-105.

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N^o. LXXXVI.

ART. I. *Thoughts on Banking.* London, 1825.

GREATLY as the destruction of private fortunes, and the widespread mischief and ruin occasioned by the late crisis in the money market are to be lamented, it is no small satisfaction to know, that they have not proceeded from any thing affecting the foundations of the wealth and prosperity of the country. The sails and rigging of the vessel of the State have been torn and injured by the violence of the tempest; but her timbers are as sound and fresh as ever. The bankruptcy and distress in which so many have been involved, have come upon us in the midst of profound peace; and at a period when all the great branches of industry—agriculture, manufactures, and commerce, were in a state of rapid improvement, and when the public revenue was more than sufficient to meet all the wants of the state. No one, indeed, who has given the least attention to the subject, can suppose for a moment that the late crisis was either primarily occasioned, or in any degree aggravated, by a falling off in any of the sources of wealth. It is admitted on all hands that it sprung from a totally different cause; from some defect in the system on which the business of Banking is conducted in England: And while the frightful extent of the evils experienced calls loudly for inquiry into their cause, it at the same time enforces the necessity of adopting some such system as may be fitted to guard effectually against their future occurrence.

We are not of the number of those who consider it as difficult to discover those defects in the banking system of England,

that have occasioned the recent bankruptcies, or to suggest a remedy for them. Both the cause and the cure of the evil seem to us to be abundantly obvious. But before we set about pointing out either the one or the other, we may be permitted to observe, that neither the present distress, nor that which took place in 1814, 1815, and 1816, have in any degree shaken our confidence in the opinions we formerly advanced, as to the vast advantages resulting from the substitution of a well regulated paper currency in the place of gold or silver. We still look upon the employment of paper as money, under judicious regulations, as one of the greatest improvements that have ever been made. And we are prepared to show, that none of the mischiefs resulting either from the late or any former revulsion, can justly be ascribed to any thing necessarily belonging to a paper currency; but that they have been wholly owing to its being issued on vicious and unsound principles.

In order to have a clear perception of the real nature and operation of the causes which produced the late revulsion, it is necessary to state one or two principles with respect to the circumstances which determine the amount and value of money in one country, as compared with its amount and value in others; for, though these principles are sufficiently familiar to those who have studied the subject, they are yet, we are sorry to say, but very imperfectly understood by the public. Let us then endeavour briefly to inquire into the circumstances that determine the quantity of money in a country: *first*, when the currency consists wholly of gold or silver; *second*, when it consists wholly of paper that has been made a legal tender, but which is not convertible at pleasure into the precious metals; and *third*, when the currency consists partly of coin and partly of paper immediately convertible into coin.

With respect to the *first* case, or that in which the currency of any given country consists entirely of the precious metals, it is evident, inasmuch as they are always in demand, and can be imported and exported at a very small expence, that the quantity of the precious metals which such a country would in all ordinary cases use as money, would be limited to the quantity which was required to preserve their value at the *same level* in it as in other countries. If, on the one hand, any greater additions were made to the amount of gold or silver in circulation than were required to preserve the currency at this its proper level, its value would *fall*, and there would, in consequence, be an immediate *exportation* of the precious metals; and if, on the other hand, the amount of gold or silver in circulation were unduly diminished, the opposite effects would be

produced; the value of the currency would then be *raised* above its proper level, and there would be an *importation* of the precious metals from all the surrounding countries, to restore that equality of value which could not in either case be permanently, or even considerably deranged.

It is needless to enter, in this place, into any disquisition with respect to the principle which determines the value of gold and silver. It is sufficient to observe, that it is identical with that which determines the value of all commodities not subjected to any artificial or natural monopoly, or with the cost of their production.

In the *second* case we have supposed, that of a country with a paper currency declared to be a legal tender, but not convertible at pleasure into the precious metals, it is evident, inasmuch as such paper can neither be exported to other countries, when it is issued in excess, nor imported when the issues are unduly limited, that it is not possessed of the same principle of self-contraction and expansion, inherent in a currency consisting of the precious metals, and that, consequently, its value must always depend on the extent to which it has been issued compared with the demand. Let it be supposed, to illustrate this principle, that the currency of any particular country consists of 50 millions of gold sovereigns; and let it be further supposed, that government withdraws these sovereigns, and supplies their place with 50 millions of bits of engraved paper called one pound notes, and declared to be a legal tender: Under such circumstances it is obvious, supposing the same quantity of commodities to be brought to market, that their price would undergo no change whatever. It is true, that in the case now supposed, no one would exchange the produce of his labour for money, on the ground that that money was itself a commodity, on which an equal quantity of labour had been expended, and which could be advantageously used in the arts, but because it was the universal equivalent, or legal tender used by the society, and because he knew that it would be willingly received as such by all who had produce to dispose of.

But if, instead of supplying the place of the 50 millions of sovereigns with 50 millions of one pound notes, it had been supplied with only 40 millions, then, as the quantity of money in circulation would have been reduced one-fifth or 20 per cent., the prices of all sorts of commodities would have sustained a corresponding reduction: and if, on the other hand, we suppose 60 millions of one pound notes to have been thrown into circulation, the opposite effects would have been produced, and prices, instead of falling, would have risen 20 per cent.

The essential difference, then, between a currency consisting wholly of the precious metals, and one consisting wholly of inconvertible paper, is this, that the value of the former, in any particular country, can never differ, either permanently or considerably, from its value in others; and that its value, as compared with commodities, depends on the comparative cost of their and its production;—whereas the value of the latter, in any one country, may vary to any conceivable extent from its value in others; and its value, as compared with commodities, does not depend on the cost of producing it and them, but on the extent to which it has been issued compared with the demand. If a guinea commonly exchanges for a couple of bushels of wheat, or a hat, it is because the same expense has been incurred in its production as in that of either of these commodities; but if these commodities exchange, when the currency consists of inconvertible paper, for a *guinea-note*, it is because such is the proportion which, as a part of the aggregate mass of commodities offered for sale, they bear to the supply of paper, or of money, in the market.

It results from these principles, that convertibility into gold and silver, at the pleasure of the holder, is not necessary to give value to paper money: And that, if perfect security could be obtained, that the power of issuing it would not be abused, or that it would always be issued in such quantities as would render a one pound note uniformly equivalent to the quantity of standard gold bullion contained in a sovereign, the precious metals might be entirely dispensed with as a medium of barter, or used only to serve as small change.

Unluckily, however, no such security can be given. This is a point with respect to which there can be no difference of opinion. The widest and most comprehensive experience shows, that no set of men have ever been invested with the power of making unrestricted issues of paper money, without abusing it; or, which is the same thing, without issuing it in inordinate quantities. Should the power to supply the State with paper money be vested in the managers of a private banking company, then to suppose that they should, by limiting their issues, endeavour constantly to sustain the value of their paper, would really be to suppose that they should be extremely attentive to the public interests, and extremely inattentive to their own! It is quite certain that the re-enactment of the restriction of cash payments by the Bank of England, and the rendering of it perpetual, would not have the least effect on the value of our paper currency, provided its quantity was not at the same time increased. But there cannot be the shadow of a doubt that, under such circumstances, it would be increased.

Such a measure would enable the Directors of the Bank of England to exchange bits of engraved paper, not worth perhaps 5s. a quire, for as many, or the value of as many hundreds of thousands of pounds. And is it to be supposed that they would not avail themselves of such an opportunity to amass wealth and riches?—that if Government allows a private gentleman to exchange a bit of paper for an estate, he will be deterred from doing so by any considerations about its effect in sinking the value of the currency? In Loo Choo we might, perhaps, meet with such a disinterested individual; but if we expect to find him in England, the chances are a thousand to one that we shall be disappointed. In this quarter of the world, we are much too eager in the pursuit of fortune, to be in any degree affected by such scruples. It is indispensable, therefore, that the issuers of paper money should be placed under some efficient check or control; and the comparative steadiness of the value of the precious metals at once suggests, that no check can be so effectual as to subject the issuers of paper money to the obligation of exchanging their notes, at the pleasure of the holder, for a *given and unvarying quantity*, either of gold or silver.

We are thus naturally led to the consideration of the *third* and most important head in our inquiry, or to that which has for its object to discover the circumstances which determine the amount and value of the currency of a country, when it consists partly of coin and partly of paper, immediately convertible into coin.

It appears, from what has been already stated, that an excessive quantity of the precious metals can never be imported into any country which allows them to be freely sent abroad, without occasioning their instant exportation. But when the currency of any particular country, as of England, consists partly of the precious metals, and partly of paper convertible into them, the effects produced by an over-issue of paper are the same as those resulting from an over-issue of gold or silver. The excess of paper will not be indicated by a depreciation, or fall in the value of paper as compared with gold; but *by a depreciation in the value of the whole currency, gold as well as paper, as compared with that of other states*. Suppose that our currency is, at this moment, at its proper level, or that the quantity of gold and paper in circulation is the exact quantity required to render any given portion of the currency of Great Britain equivalent to the same portion of the currency of the surrounding states; and suppose that, under these circumstances, an additional million of notes is issued by the Bank of England, or by the country banks. It is obvious, that this issue of paper must have precisely the same effect on the value of mo-

ney, as the issue of an additional million of sovereigns. There cannot, it is clear, be any depreciation in the value of paper as compared with gold; for gold may be immediately obtained in exchange for it, and it is as readily received in all payments throughout the country. The effect of increased issues of notes, immediately convertible into gold, is not, therefore, to cause any discrepancy between the value of paper and the value of gold in the home market, but to increase the amount of the currency, and, by rendering it redundant or depreciated as compared with that of other countries, to depress the *nominal* exchange; and thus, inasmuch as notes do not circulate abroad, to cause the exportation of coin, and, consequently, a drain upon the Bank.

It is perfectly well known, that a drain for gold on the Bank of England was the proximate and immediate cause of the late revulsion. So heavy had this drain become, that gold and silver of the value of 2,834,000*l.* had been entered for exportation at the Custom House, in the months of April, May, and June last. During most previous drains, the market price of bullion had exceeded its mint price, or, which is the same thing, paper had been depreciated as compared with gold; and there was, of course, an obvious advantage in demanding cash from the Bank. But such was not the case during the late drain; nor has it been the case any time during the last five years. The notes of the Bank of England have been, ever since 1820, of the same value as the coin that has circulated along with them. And it has been stated, that when the late drain for bullion began, the Directors of the Bank of England, or at least a considerable portion of them, contended that, from whatever causes it might have arisen, it could not be owing to their paper being in excess; for had that been the case, their notes would have been at a discount; and that were they, under such circumstances, to contract their issues, they would be only causing embarrassment in the commercial world, without stopping the drain for bullion.

It is evident, however, from the principles already established, that this reasoning was wholly fallacious; and that the fact of coin and bullion continuing, for any considerable period, to be exported from a country in the actual situation of Great Britain, is of itself a conclusive proof that its whole currency, gold as well as paper, is *depreciated from excess*, or has become redundant as compared with the currency of other countries. And as it is impossible that a drain originating in such a cause can ever be stopped except by a contraction of the currency, it is quite obvious that it would, in the event of the Banks supplying the place of the gold and silver demanded from them by

fresh issues of paper, continue until it had drained them of their last shilling.

It is certainly true, that a derangement in the usual channels of commerce sometimes occasions a drain upon the Bank for gold, and an exportation of the precious metals; though it is at the same time no less true, that it is always in the power of the Directors of that Establishment to stop every such drain, by contracting their issues. It is unnecessary, however, for us now to inquire whether there were any circumstances connected with the commerce of the country to originate the drain for bullion that began in 1824; for admitting that the drain had *begun* from such causes, it is undeniably certain that it could not possibly have attained to a tenth part of the magnitude to which it did actually attain, except from an overissue of paper. Suppose that, when the drain began in June or July 1824, no notes had been issued to supply the place of the first million of sovereigns that were exported; it is quite certain, had such been the case, that the diminution of the currency consequent upon the withdrawal of this quantity of coin, would have had the effect so to raise its value as effectually to prevent any further exportation from being made: And the fact, that the drain did continue from June 1824 till October 1825, and that coin and bullion, to the amount, it is believed, of from *ten* to *twelve* millions were exported, affords at once an incontrovertible proof not only of its having been occasioned by the excess of paper in circulation, but of the extreme reluctance of the Bank Directors to contract their issues.

Assuming, therefore, the fact, that the late drain for bullion was wholly owing to an overissue of paper as fully established, we have next to inquire into the circumstances which led to that overissue; for, as the contraction of the currency which the drain ultimately produced, was the immediate cause of the late revulsion, it is evidently of the utmost importance, with a view to guarding against such a crisis in future, to be fully aware of the circumstances which occasioned it.

Now, it is self-evident, inasmuch as the Bank of England and the country banks are the only issuers of paper, that when an overissue does actually take place, it must be wholly owing to some erroneous proceedings on the part of one or both of these parties. In the present case, it may, we think, be very easily shown, that neither party has been free from blame; though it is perhaps impossible to point out the exact degree of demerit attaching to each. Certainly, however, the result of all the investigations we have made has been, to impress us with a conviction that, though several of the proceedings of the Directors of the Bank of England, during the last four or

five years, seem utterly inconsistent with every sound principle, they are, notwithstanding, more to blame for what they did not do, than for what they actually did,—that their great error consisted in their not foreseeing the impending storm, and taking measures to guard against it, or at least to mitigate its violence. But the share which the country bankers have had in bringing on the late revulsion, has not been passive, but active; and it is not difficult to discover, that it is to *their* proceedings, or rather to the vicious principle on which the establishments they conduct are founded, that the mischief we have so recently experienced is mainly to be ascribed.

The truth is, that the late distresses cannot have taken any one by surprise, who is at all familiar either with the principles or the practical operation of our money system; and we have access to know that they were confidently predicted, and calculated upon by the most experienced merchants. So long, indeed, as all individuals who choose are permitted to issue notes without restriction, to serve as money in the common transactions of life, so long may we lay our account with experiencing a regular recurrence of similar distress and ruin. In periods when confidence is high, and prices on the advance, country bankers are sure, under the present system, to over-issue. Every individual is then naturally inclined to extend his business; and most of those who possess produce are desirous to obtain loans to enable them to withhold it from market; and to speculate upon an advance; while, at the same time, the country bankers, whose profits depend chiefly on the amount of their paper in circulation, are, on their part, no less disposed to make liberal advances, and to lend to all who can give them a reasonable security for repayment. In such periods, not only do the old established Houses add greatly to their issues, but new ones are every now and then coming into the field, who, from a natural desire to get their paper into circulation, are necessarily less scrupulous in their investigations with respect to the circumstances of the applicants for loans. From 1809 up to 1813 inclusive, the facility of obtaining discounts from the country banks was so very great, that individuals who could barely afford to buy a stamp for a bill, very often succeeded in obtaining the command of a considerable capital; and, as they had nothing of their own to lose, boldly adventured upon the most hazardous speculations! *

* For a further account of the oscillations in the amount of the paper currency of the country, we beg to refer to the first part of Mr Tooke's work on *High and Low Prices*—a work equally distinguished for the soundness and comprehensiveness of its general views, and the extent and accuracy of its practical information.

The public, we believe, is but little aware that the uniform effect of a rise in the price of corn, in a country possessed of a metallic currency, is to cause an exportation of gold and silver, and a consequent diminution in the amount of the circulating medium, and conversely when prices fall. In all ordinary cases, foreigners are fully supplied with such quantities of our manufactured goods and colonial produce as they require. If, therefore, our currency consisted exclusively of gold and silver, when we had an *unusually great demand* for corn, we should export a portion of this currency in payment of such excess of corn until the increase in the value of money in this country, and its diminution in the foreign country, consequent upon its exportation from the one and importation into the other, had unfitted it for being advantageously sent abroad: But before this took place, the fall in the price of other articles amongst us, caused by the rise in the value of our money, and their rise in the foreign markets caused by the fall in the value of their money, would have occasioned their being again exported in preference to gold or silver. And if, on the other hand, we had, under such circumstances, an unusually luxuriant crop, or such a crop as either caused a cessation of a portion of our customary imports from other countries, or an increase of exports to them, an increased quantity of gold and silver would be imported; for, inasmuch as in such a case our imports from foreign countries are either decreased or our exports increased, and as the demand of the foreigners for our commodities cannot be immediately affected in consequence of this variation, we should receive the principal part of the value of the excess of imports we were formerly in the habit of making, or of the excess of exports, in bullion. By this admirable arrangement, the effects that variations in the harvests have on prices are very much counteracted; because, in the first case, the exportation of gold and silver prevents them from rising so high as they otherwise would rise in dear years, and in the second their importation prevents them from falling so low as they would otherwise do when the crops are unusually productive.

But the country bankers act in the very teeth of this principle, and *invariably augment their issues the moment prices begin to rise*. Mr Hudson Gurney, M. P., a partner in some of the Norfolk banks, explicitly stated, in his evidence before the Select Committee of the House of Commons, appointed, in 1819 to inquire into the expediency of the Bank's resuming cash payments, that the country bankers *proportioned their issues to the price of corn*,—increasing them when the price of corn rose, and diminishing them when it fell. (Report, p. 249). It is obvious, that a currency issued on such principles must,

on the one hand, aggravate all the evils which dear years inflict on the consumers of corn, while on the other it must add greatly to the distresses of the agriculturists in naturally cheap years. Mr Wakefield, whose extensive employment in the management of estates in all parts of the country, gave him the most favourable opportunities for acquiring correct information, informed the Agricultural Committee of 1821, that ‘ up to the year 1813 there were banks in almost all parts of England, forcing their paper into circulation at an enormous expense to themselves; and in most instances to their own ruin. There were bankers who gave commission, and who sent persons to the markets to take up the notes of other banks; these people were called money-changers, and commission was paid them.’ (Report, p. 213.) And among all the various answers to the queries sent by the Board of Agriculture in 1816 to the most intelligent persons in different districts of the country, there is hardly one in which the excessive issue of country bank paper is not particularly mentioned, as one of the main causes of the unprecedented rise of rents and prices previously to 1814.

But while the issues of country banks are thus, on the one hand, sure to be unduly enlarged when prices are rising and confidence high, they are, on the other, as sure to be unduly and *suddenly* contracted when prices experience any very serious fall, or when any very serious shock is given to commercial confidence. The fall of prices that took place in the autumn of 1813, in consequence of the luxuriant harvest of that year, and of the renewed intercourse with the Continent, produced a destruction of country bank paper that has not been paralleled except only by the late revulsion. In 1814, 1815, and 1816, no fewer than NINETY-TWO commissions of bankruptcy were issued against English country banks; and *one* in every *seven and a half* of the total number of these establishments existing in 1813, was entirely destroyed! Nor did the mischief stop here.—The currency was not only diminished by the sudden withdrawal of the notes of the insolvent banks, but the issues of all the rest were very greatly contracted. Mr Lewis Lloyd, a gentleman whose opinion on such subjects is entitled to the greatest deference, from his long experience as a partner in one of the first banking houses in the kingdom, (Jones, Lloyd, and Co.), estimated the reduction of country bank paper in 1816, as compared with its amount in 1814, at about a *half*! (Commons’ Report, 1819, p. 170). Perhaps, however, the estimate of Mr Sedgwick, Chairman of the Board of Stamps, may be the most accurate; who reckoned, from computations founded on the number of stamps

issued to the country bankers, that the amount of the notes in circulation from 1810 to 1818, both inclusive, had been as under:—

1810	-	-	L.21,819,000
1811	-	-	21,453,000
1812	-	-	19,944,000
1813	-	-	22,597,000
1814	-	-	22,709,000
1815	-	-	19,011,000
1816	-	-	15,096,000
1817	-	-	15,898,000
1818	-	-	20,507,000

This table sets the vicious nature of the existing system in the clearest point of view. It shows how much the high prices of 1811, 1812, and 1813, and again of 1819, must have been increased by excessive issues of paper, and how much the prices of 1815, and 1816, must have been reduced below their natural level by their sudden and undue contraction. That extrinsic support on which too many of the agriculturists and manufacturers depended, gave way at the moment when it was most necessary. The fall of prices in 1814, was undoubtedly begun, as we have already stated, by an abundant crop and by importation from the Continent; and this fall having produced a want of confidence, and an alarm amongst the country bankers, a reduction of the currency took place, that became, in its turn, the cause of a farther and heavier fall. The bank failures that then occurred, were the more distressing, as they chiefly affected the industrious classes, and frequently swallowed up in an instant the fruits of a long life of unremitting and laborious exertion. Thousands upon thousands, who had, in 1813, considered themselves as affluent, found they were destitute of all real property; and sunk, as if by enchantment, and without any fault of their own, into the abyss of poverty! The late Mr Horner, the accuracy and extent of whose information on such subjects will not be disputed, stated, in his place in the House of Commons, that the destruction of country bank paper in 1815 and 1816 had given rise to a universality of wretchedness and misery, which had never been equalled, except perhaps by the breaking up of the Mississippi scheme in France.

But nations are slow and reluctant learners. Though the principles on which the country banks increase and diminish their issues had been clearly explained in 1819, and notwithstanding the experience of the disastrous effects occasioned by their improvident proceedings, no change has hitherto been made in their constitution. With an Irish sort of consistency,

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we hang a man for issuing a spurious sixpence, and allow every adventurer, however unprincipled, to open a money shop, and to thrust notes, not worth the paper on which they are engraved, into circulation ! The consequences have been such, as all men of sense must have anticipated. We have seen, from Mr Sedgwick's Table, that a very great addition was made to the number of country bank notes in circulation in 1818; but as the prices of corn in 1819, 1820, 1821, and 1822, were very much depressed, in consequence of the abundant harvests of these years, it is most probable, that no great addition was then made to the amount of country bank paper previously in circulation, if it was not actually diminished. But in 1823 prices rallied; confidence was again restored; and the issues of the country banks were gradually and rapidly increased up to the late crisis, when the unsubstantial and baseless fabric again fell to pieces !

It is certainly true, that in 1814, 1815, 1816, and previously, the notes of the Bank of England, and of the country banks, were not payable in gold at the pleasure of the holder. But the circumstance of their being now so payable, does not, and cannot possibly prevent those destructive oscillations in the amount of country paper, though its tendency is to lessen the extent to which they can be carried. The obligation on the banks to pay their notes in gold prevents their value, so long as they continue to circulate, from ever varying materially from the value of gold in the home market, or from being depreciated as compared with the standard. But though *one part* of our currency cannot, under our present system, become redundant, as compared with the other, *the whole currency*, gold as well as paper, may become redundant, and will consequently sink in value, as *compared with the currency of other countries*, either from too great issues being made by the Bank of England, or by the country banks. And it is next to impossible, that the contraction of paper, to which such an over-issue must ultimately lead, can be effected, without occasioning a most destructive revulsion.

We have no means by which to form any estimate of the addition made to the amount of country paper in circulation during the last three years; but it is abundantly certain, from the sudden reduction that took place in the rate of interest, and from the facility with which discounts were everywhere obtained, that it was very great; and we may mention, that we have heard gentlemen of much experience in banking state, that they were fully convinced, that the amount of country notes in circulation in 1825 was at least from *thirty to forty* per cent. great-

er than their amount in 1822! * It was this excessive addition to the currency, that rendered it redundant, and caused a drain for bullion. And this drain having forced the Bank of England to narrow her issues, a shock was in consequence given to credit; the currency of the metropolis became more valuable than that of the country; and the difficulty of obtaining accommodations in London being increased at the very moment that the notes of the country bankers were beginning to be returned upon them, their embarrassments and ruin inevitably followed. A few isolated failures in different parts of the country served to excite a general panic; and so rapid and sweeping was the destruction, that, in the short space of five or six weeks, from SIXTY to SEVENTY banking establishments were compelled to stop payment!

But though the proceedings of the country bankers were thus, beyond a doubt, mainly instrumental in bringing about the late crisis, we are not to suppose that the proceedings of the Bank of England were altogether unexceptionable. The Directors of the Bank ought to have been aware of the periodical oscillations in the amount of country paper. They could not fail to know that the country bankers had begun to make very great additions to their issues, after prices had rallied in 1823; and it ought to have occurred to them, that if they did not, by contracting their issues, check the inordinate issue of country paper, the whole currency of the country would become redundant; and that the drain for gold thence arising would operate, in the first instance, exclusively on their coffers. It is difficult to believe that such obvious considerations should not have suggested themselves to any of the Bank Directors; though, whatever influence they may have had on their private judgment as individuals, they do not seem to have had the least influence on their conduct as a body. So far, indeed, from directing their proceedings so as to check that over-issue of country paper that was sure otherwise to take place, the Directors, besides reducing the rate of interest on their discounts to 4 per cent., increased their purchases of Exchequer bills, and actually went so far as to lend 1,400,000*l.* on mortgage,—a proceeding

* We have received, while these sheets were passing through the press, Mr Tooke's Tract *On the State of the Currency*. There are some principles advanced by Mr Tooke with which we cannot concur; but the Tract is, notwithstanding, exceedingly valuable, and throws a great deal of light on the circumstances which led to the late crisis, and on the effects resulting from the working of our present money system. Mr Tooke estimates, from calculations founded on the number of stamps issued to country bankers, that their issues in 1825 were about *fifty* per cent. greater than in 1822 (p. 39.)

which, as every one knows, was quite inconsistent with every sound principle of banking.

Even after the exchange had become unfavourable, and the drain for bullion had begun to set heavily upon the Bank, the Directors, instead of diminishing, actually increased the amount of their issues! It is true, that the Governor stated, at a meeting of proprietors in March last (1825), ‘That the bank notes in circulation were something *under twenty* millions; that they had not increased within the last six months; and that he believed they were not too large for the wants of the country.’ But such loose statements, even though coming from a very high quarter, are not often entitled to much attention; and the present instance does not seem to be an exception. Official accounts of the number of bank notes in circulation, from the 5th of April 1820 to the 5th of April 1825, have been rendered to the Stamp Office; and the following statements, extracted from them, will show how the fact really stands:

BANK-NOTES IN CIRCULATION.

1823.	L.	1824.	L.
Feb. 1, - -	18,652,607	Feb. 7, - -	20,309,188
8, - -	18,404,360	14, - -	20,357,168
15, - -	17,802,629	21, - -	19,866,854
22, - -	17,839,486	28, - -	19,736,986
May 2, - -	18,994,049	May 1, - -	20,514,142
10, - -	18,585,349	8, - -	20,289,684
17, - -	18,464,533	15, - -	19,961,919
24, - -	17,971,839	22, - -	19,719,356
31, - -	17,425,713	29, - -	19,149,378
Aug. 2, - -	20,221,912	Aug. 7, - -	21,312,124
9, - -	19,996,005	14, - -	20,960,542
16, - -	19,716,775	21, - -	20,535,550
23, - -	19,582,348	28, - -	20,293,326
30, - -	19,231,240	Nov. 6, - -	21,413,902
Nov. 1, - -	21,779,665	13, - -	21,411,425
8, - -	20,679,004	20, - -	20,817,379
15, - -	20,353,142	27, - -	20,850,260
22, - -	19,820,208		
29, - -	19,400,803		
Average of 1823, L.19,206,404		Average of 1824, L.20,423,481	

In one year, therefore, there was an augmentation in the currency of upwards of 1,200,000*l.* Nor did it stop here; for in the month of February 1825, the circulation of the Bank of England was increased still farther, as will be seen from the following account:—

1825.—Feb. 5, Bank-notes in circulation	L.21,931,937
12, " " " " "	21,307,879
19, " " " " "	21,234,673
26, " " " " "	21,060,144

Average amount " L.21,383,658

Now the average amount of the Bank circulation in the month of February, 1823, was 18,174,770*l.*, and in the month of February, 1821, it was 20,067,541*l.*; and therefore, comparing 1824 with 1823, there is an augmentation of about 2,000,000*l.*; and comparing 1825 with 1824, there is an augmentation of 1,300,000*l.*; and, finally, if we institute a comparison between 1823 and 1825, the circulation of the latter year presents us with an increase of 3,200,000*l.* *

But the continued and increasing pressure of the drain for bullion ultimately compelled the Directors to change their tactics, and to withdraw a portion of their paper. The Governor stated at a meeting of proprietors, on the 22d of September last, (1825) that the amount of bank notes then in circulation, was 18,200,000, being a reduction of above three millions, as compared with their issues in February that year. We have no means of knowing when the Directors began to reduce their issues, or whether this was the whole extent to which it was carried. This much, however, is certain, that their reduction was a measure which had become indispensable for the safety of their own establishment; and had they, as sound policy would have suggested, resorted to it when the drain first began, in June 1824, they would have given an early check to the overissue of the country banks, and would in consequence have greatly mitigated, though it is clear they could not have entirely prevented, the crisis that ultimately took place.

We have no doubt that the Bank Directors acted throughout the whole of this affair, in the way which they conceived was most likely to promote the real interests of the country; and that their disinclination to contract their issues arose, not from any considerations about the almost imperceptible influence such a measure might have had on their profits, but from an apprehension lest, by doing so, they might give an injurious shock to commercial credit. These, however, we take leave to say, are considerations, which persons in the situation of the Directors of the Bank of England, ought very rarely to allow to influence their proceedings. Their business is not to take

* See a valuable letter, signed Daniel Hardcastle, in one of the Numbers of the Times for October last.

care of the commerce of the country; but to adjust the issues of their paper, so that the mint and market price of gold, and the exchanges, may always be at or near par. When the Governor of the Bank said in his speech to the proprietors in March 1825, that *he believed 20 millions was not a larger circulation, than the real business of the country required*, he was plainly stepping out of his proper province, and was giving an opinion on a point, of which neither he nor any one else could be otherwise than wholly ignorant. The truth is, that the absolute number of Bank of England notes in circulation, never affords any means of judging whether they are, or are not in excess. They only form a part, perhaps not more, in ordinary cases, than a third part of the circulating medium; and supposing the demand for money to be as constant as it is fluctuating, they should vary, not to be in excess, *inversely*, as the amount of coin and provincial paper in circulation. In one case, Bank of England paper might be in excess, if *fifteen* or *eighteen* millions were in circulation: when in another, an issue of twenty or twenty-five millions might not be enough. It is idle, therefore, to talk about proportioning the supply of paper to the wants of the country, otherwise than by enlarging or contracting its amount, so as to preserve the value of the entire mass of the currency on a par with the value of the currency of other countries. If the Directors follow any other principle, they are sure to err. So long as gold is demanded from them, so long ought they to continue gradually to contract their issues, and so long as it is not demanded, so long ought they to continue gradually to enlarge them, without caring about the actual number of their notes in circulation. When they continue, on purpose to avoid giving a shock to commerce, to maintain the same number of notes in circulation, notwithstanding a demand for gold, they may depend upon it they will greatly aggravate the mischief they are attempting to avert. Sooner or later the propriety of making a reduction in the amount of their issues will cease to be *optional* with them; and they will be compelled, in order to prevent the total exhaustion of their coffers, to take that step which they ought in all cases to take, the moment the drain begins to set in. When they defer reducing their issues, the overissue of the country banks, and all those gambling and absurd speculations which uniformly abound in periods when there is an unusual facility of obtaining discounts, are carried to an extreme extent, and the revulsion becomes proportionally severe, whenever the Bank is compelled, as she is sure to be in the end, to narrow her issues.

It is evident from the previous statements, that the Directors

of the Bank of England fell into a double error; *first*, in attempting to force the issue of their own notes at the very period when they ought to have foreseen that the increased issues of the country bankers, consequent upon the renewed prosperity of the country, would of themselves render the currency redundant, and occasion a drain for bullion; and *second*, in refusing to reduce, and indeed actually increasing, the number of their own notes in circulation for upwards of a twelve-month after the drain for bullion had begun to operate on their coffers. Had the Directors conducted their establishment on sound scientific principles; and forborne considering themselves as the appointed guardians of commercial credit and confidence, they would have avoided both these errors. But whatever mistakes the Directors of the Bank may have committed, and none will accuse us of having any wish to conceal or palliate them, we have not the remotest idea that the injurious effects that have resulted from their proceedings would have been, as many suppose, in the slightest degree mitigated, had there been several such establishments in London. Suppose another metropolitan bank for the issue of notes had been in existence during the last two years, and that some of our first monied men, as Messrs Baring, Rothschild, &c. had been at its head: we venture to say, that though the present state of our pecuniary affairs might have, in consequence, been much more unfavourable than it really is, it could not have been in any degree improved. Had Messrs Baring & Co. discounted at a lower rate of interest than the Bank of England has done, or had they negotiated bills refused by the Directors of that Establishment, there must, of course, have been a greater quantity of their paper afloat than has been of the Bank's. But it is evident that, under such circumstances, the redundancy of the currency and the drain for bullion would have been proportionally greater: and it would, in consequence, have been necessary to make a more considerable reduction in the amount of the currency, which would have unavoidably occasioned a still more serious revulsion: And if, on the other hand, Messrs Baring & Co. had not discounted at so low a rate of interest as the Bank of England, or been more scrupulous about the quality of the bills discounted, their issues would have been so confined as not sensibly to affect those of the Bank: and the currency would have been in the exact state that it now is.

It is not now necessary that we should enter into any explanations with respect to the proper constitution of a National Bank. We certainly entertain a very decided opinion on the subject: but it is of too great consequence to be discussed incidentally; and so long as Government chooses to delegate the

important trust of supplying the country with paper money to a set of irresponsible private gentlemen, we do not know that it could be in better hands than in those of the Directors of the Bank of England. Without, therefore, stopping at present to agitate this question, it is clear, from the statements and reasonings previously advanced, that so long as the present organization of the country banks is permitted to continue, so long shall we be periodically revisited with the same sort of revulsions we have just experienced. When the agitation caused by the present storm has subsided, and confidence been once more restored, the seeds of future mischief will begin to germinate. The experience of the present crisis will be very soon forgotten; the country banks will again become exceedingly liberal in their discounts; their paper will gradually become redundant: a drain for gold on the Bank of England will be the consequence; and as that establishment must, in self-defence, contract its issues, a fresh period of bankruptcy will be the ultimate and inevitable result!

It may indeed be supposed, that the lesson taught by the events of the last three or four years, will not be thrown away on the Directors of the Bank; and that in future they will, by immediately reducing their issues on the first setting in of a drain for gold, give an early check to the overissue of country paper, and thus lessen the severity of the paroxysm. This, however, it must be confessed, is but a slender security to which to trust for protection! And should a single banking establishment give way in consequence of the contraction of the paper of the Bank of England, it might, by exciting a panic, lead to the destruction of hundreds more. It seems, therefore, to be quite indispensable that a complete and radical change should be made in the entire system of country banking,—that Government should interfere to put down a system that naturally and unavoidably leads to periodical revulsions that plunge thousands into bankruptcy and ruin,—and that, when it gives private individuals the power to issue money, it ought, at the same time, to have ample security, that the public shall lose nothing either by their improvidence or their fraud.

To effect that improvement in the system of banking in England, that is so essentially necessary, three different plans have been proposed, viz.—*First*, to repeal the statute of 1708, and to allow the formation of joint stock banking companies, with numerous bodies of partners, on a plan similar to those established in Scotland: *Second*, to suppress all private bank notes for less than 5*l.* and to supply their place with coin, or with smaller notes of the Bank of England: and, *Third*, to allow private banking companies to issue notes as at pre-

sent, but to oblige such as chose to avail themselves of that power, to deposit securities for their payment in the hands of Government. We shall offer a few remarks on each of these plans.

I. With respect to the *first*, there can be little doubt that the repeal of the injurious and absurd restriction by which more than *six* individuals are prevented from joining in any copartnery for the issue of notes, would be a considerable improvement on the existing system. It would most probably lead to the formation of banking companies with a considerable number of partners in most of the great commercial towns; and it is said that, inasmuch as the partners of these establishments would all be bound to the whole extent of their fortunes for the debts of the copartnery, security would be afforded to the public against ultimate loss, even though the bank should, from any sudden pressure, be obliged to suspend its payments, at the same time that the knowledge of this ultimate stability would, by conciliating the public confidence, have a powerful tendency to prevent runs. That the formation of joint-stock banking companies in England would in some degree realize these advantages, is, we think, quite obvious; but it is the merest delusion, to suppose that it would afford that security to the public against those sudden and ruinous changes in the amount and value of money which is so indispensable. Those who have speculated on this subject, have reasoned exclusively from observing what has taken place in Scotland; and because the Act of 1708 does not extend to Scotland, and we have a *few* banking establishments with numerous bodies of partners, it is contended that the comparative exemption of this part of the empire from the convulsions that have made so much havoc in England, is wholly to be ascribed to this circumstance. But this is to come to a conclusion a little too hastily; nor do we conceive that any thing can be more absurd than to argue, that because few of the Scotch banks have failed, similar establishments would succeed equally well, if attempted in a country so differently circumstanced as England! The fact is, as any one who has ever reflected a moment on the subject must be aware, that there must always be infinitely more hazard in conducting the business of banking in England than in Scotland. With the exception of Glasgow, and the country immediately contiguous, Scotland has hardly any foreign trade, and but very little manufacturing industry. The business that is carried on in Edinburgh and other parts of the country, is either confined to a

retail trade, or to the sale of produce, by the growers, to merchants from England, or to dealers scattered through the country. The situation of these persons is generally well known to the bankers with whom they deal, who must be very careless indeed, if they ever lose any thing considerable by them. It would be worse than idle to attempt to prove by argument the vast difference in the situation of such persons as compared with that of a very large proportion of the merchants and manufacturers of England. The foreign trade of Liverpool only, is equal to about *five* times that of all Scotland; and we are quite sure we are a good deal within the mark when we affirm, that there is more speculation in Lancashire in a week, than there is in Scotland in a twelvemonth.

It should also be kept in view, that owing to the comparatively limited extent and population of Scotland, we have only from *twenty-eight* to *thirty* establishments for the issue of notes; and in consequence of this fewness of their numbers, and of certain weekly operations of exchanging their notes, and balancing their accounts with each other, it is easy for them to concert their measures in common, and to support each other during a period of temporary distress or panic: while the known wealth of the individual partners in most of them, and the general safety of their business, have commonly disposed them to give this mutual support. It is obviously impossible, however, that any such concert can ever obtain among the hundreds of banking establishments that exist in England; and this circumstance is of itself sufficient to vitiate all inferences drawn from the state of banking in the one country to its state in the other. No contagion spreads so rapidly as that of a panic. A failure in Portsmouth not unfrequently excites a strong sensation in Newcastle; and has ultimately, on more than one occasion, led to a run in the latter!

We apprehend, indeed, that most of those who have been so lavish of their eulogies on the Scotch banks, have been but very slenderly informed with respect to the real situation of these establishments. From the statements recently put forth, one would be led to suppose that there is not a bank in Scotland without some hundreds of partners; whereas, the plain matter of fact is, that out of *twenty-eight* or *thirty* establishments for the issue of notes, there are TWENTY, the number of whose partners vary from *fifteen to one, two, and three!* The Bank of Scotland and the Royal Bank are out of the question: For they are chartered banks, and the partners are only liable for the amount of the shares which they respectively hold, or, taking them in the aggregate, for the capital of the banks. And with the exception of the Commercial Bank, the British Linen

Company, the National Bank, established only the other day, two banks in Dundee, two banks in Aberdeen, and the Perth Banking Company, the partners in most of the other banks are in a very small degree, if at all, more numerous than those in the English banks. For example, there are only *fifteen* partners in the Leith bank, and *nine* in the House of Sir William Forbes & Co.; the Greenock bank, the two Paisley banks, and the Renfrewshire bank, have *amongst them* only *twenty-five* partners; two of the very first banks in Glasgow, the Ship Bank and the Thistle Bank, have only *thirteen* partners; the Ayr bank has only *nine*; the Dundee New Bank *five*; the Caithness Bank *two*, and so on.* And it will be observed, not only that many of the establishments with the smallest number of partners are founded in the West of Scotland, where the risk incurred by the bankers is infinitely greater than in the other parts of the country, but that the notes of some of them have a most extensive circulation; and that they enjoy, and we believe most justly, an equal share of the public confidence with those that have more numerous bodies of proprietors.

A great deal has been said with regard to the beneficial effects resulting from the mutual exchanges that are made, twice a week, by the Scotch bankers, of each other's notes in their possession. But this, though in many respects an useful and convenient regulation, is quite ineffectual, either to prevent the excessive issue of the notes of any one banking company, in which the public has confidence, or to prevent a general over-issue. If the different banks were to increase their issues in the same, or nearly the same proportion, the whole currency of the country might be doubled, were that otherwise practicable, in the course of twelve months, without the notes of any one company becoming excessive in relation to the others; for, as the increased amount of notes that might be payable by a particular company would, under such circumstances, be met by the equally increased amount that would be receivable by it, the *balance* to be paid in cash or bills on London, would not really be greater than it had been before the augmentation.

That great and *sudden*, and therefore perilous fluctuations have taken place in the currency of Scotland, is placed beyond

* For an *official* account of the number of partners in the Scotch banks, see p. 420 of the Appendix to the Lords' Report on the Resumption of Cash Payments. This account is dated the 25th of April 1819, so that some variation may since have taken place in the number of partners; but there is no reason to suppose that it has been at all considerable.

all question, by the returns made by the three principal Scotch banks to the Committee of the House of Commons in 1819. For example, the British Linen Company state, that, assuming the number 1000 to represent the amount of their notes in circulation on the 5th of January 1810, they had increased to 1410 on the 7th January 1814, and had again fallen to 927 on the 2d January 1818; being an increase of upwards of *forty per cent.* in the course of the first four years of that period, and a decline of *thirty five per cent.* in the course of the next four years. This, however, is not the greatest fluctuation; for while the issues on the 2d January 1818, are represented by the number 927, they had increased to 1334 on the 1st of January 1819, being *a rise of no less than forty-two per cent. in the course of a single year!* *

The fluctuations in the issues of the Royal Bank are still more extraordinary. According to the scale furnished by that establishment to the Committee, the amount of their notes in circulation, on the 1st of January 1810, being taken at 1000, those in circulation on the 21st of September 1816 had sunk to 267, being a decline, in the course of little more than *six years*, of *seventy-five per cent.* And again, in the interval between the 21st of September 1816, and the 22d December 1817, being a space of only fourteen months, their issues had been increased from 267 to 1436, or in the enormous proportion of 538 per cent. ! †

The variations in the issues of the Bank of Scotland are much less excessive than those of the Royal Bank, or even of the British Linen Company; but they, too, are very considerable. And when it is considered, that these three banks furnish, according to the estimate of Mr Gilchrist, *a half of the whole paper currency of Scotland*, ‡ and that there is no reason for supposing, that the issues of the other banks were more steady or equable than theirs, it is easy to see how much the prices of all sorts of commodities, and the fortunes of all classes of individuals engaged in business, must have been affected by such sudden and excessive changes in the quantity, and, consequently, in the value of money.

Seeing, therefore, that notwithstanding the power to establish banks with numerous bodies of proprietors has always existed in Scotland, not more than a *third* of the banks in this part of the Empire are so established, and that the currency of the country is subject to extreme fluctuations, on what pretence

* Commons' Report, 1819, p. 328.

† Ditto, p. 329.

‡ Mr Gilchrist's evidence, Commons' Report, 1819, p. 214.

can it be said, that the mere repeal of the Act of 1708, preventing the establishment of great joint-stock banks in England, would lead to the suppression of the existing banking houses, and the general foundation of large establishments, or that it would give equality to the supply and value of money? It is most probable, indeed, that such a measure would lead to the formation of a few great banks; and there neither is nor can be any good reason why the same privilege that is given to an association of six should not be given to one of six hundred individuals. But it is quite certain that the repeal of the Act of 1708 would not of itself occasion any material change in the present system. The superior stability of the Scotch banks is owing to wholly different causes—to the different state of the country, the fewness of their numbers, their consequent power to concert measures, and, in some respects, their virtual combination—perhaps, also to the greater caution and shrewdness of the Scotch bankers. We do, therefore, hope that the public will not be so far misled by the enlogists of the Scotch system as to suppose that its introduction into England can afford any adequate or effectual security against the endless recurrence of revulsions similar to that which has been just experienced. The fact is, that no company, whether it consists of six or six thousand partners, ought to have the power to issue notes at pleasure: For, you can have no security that they will not abuse this power; at the same time that it is certain, that the ruin occasioned by the bankruptcy, or the caprice, of any establishment, will most commonly be directly proportioned to the number of its partners, and the credit and confidence it has enjoyed.

The charter granted to the proprietors of the Bank of England does not expire until 1833: and until then, they have the right to prevent the establishment of any banking company with more than six partners. To get rid of this restriction, Lord Liverpool made a proposal to the Bank Directors in April 1822, in which he offered, on the part of Government, to extend the duration of the Bank Charter for *ten* years, or until 1843, provided the proprietors would now agree to waive their right, to prevent the establishment of banks with numerous bodies of partners, beyond the distance of 65 miles from London. As might have been expected, the Bank Proprietors eagerly caught at this proposal, and unanimously authorized the Directors to accept the terms offered by Lord Liverpool. Luckily, however, his Lordship seems to have perceived, just before it was too late, that he had been infinitely too liberal in his offers; for the measure was not submitted to Parliament: And we do hope, that no such improvident and prodigal ar-

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arrangement will ever be heard of again. We acknowledge that the abolition of the restriction in question would be an advantage; but to buy that advantage by prolonging the Bank Charter for either five or ten years, would really be to barter gold for chaff. The restriction is of no real benefit to the Bank; ~~and~~ we have not the slightest doubt, that the Directors would readily consent to its abolition, on fair and reasonable terms—that is, on paying them 50,000*l.* or 100,000*l.*

II. The plan that has been proposed for suppressing the issue of all country bank-notes under 5*l.*, and for supplying their place, either with 1*l.* notes of the Bank of England, or with gold coin, is much better calculated than the preceding, to give security to the public.

We shall endeavour to show, under the next head, that the forcible suppression of the smaller notes of such country banks *as are willing to find security for their repayment*, is at once unnecessary, oppressive, and inexpedient. But it is quite clear, that no set of individuals ought to be allowed to usurp the privilege of issuing money to be used in paying the wages of labour, and in the common transactions of life, unless Government has previously obtained a guarantee against whatever loss may arise from their proceedings.

From the principle on which the business of banking is conducted, that is, from the circumstance of the profits of a banking company, for the issue of notes, depending mainly on the excess of the value of their notes in circulation, above the value of the dead stock retained in their coffers, to meet the demands of the public, it is obvious that no company, however wealthy, and however well its affairs may be managed, can avoid being considerably distressed and embarrassed by sudden runs, or demands for payment of their notes. But panics, which are the great cause of runs, seldom or never become general, except when the banks issue notes of so low a value as to fit them for being used in retail trade, and in the ordinary business of society. Previously to 1797, neither the Bank of England, nor any of the English country banks, were permitted to issue notes of less than *five pounds*. The currency used in small payments was thus made to consist exclusively of the precious metals; and as there was no opportunity for a panic taking place among the holders of small notes, only very few runs were made upon the banks, and very little loss was sustained by their failure. In 1797, this system was changed. The Bank of England was then, for the first time, empowered to issue one and two pound notes—a privilege which was soon after granted to the other banks. Bank

paper having, in consequence of this arrangement, become, in truth, the only currency of the country, and being in the hands of almost every individual, the chances of runs, and, what is more to the purpose, runs themselves have been multiplied to an unprecedented extent. Panics uniformly operate with the greatest effect on the lower classes, or on the holders of small notes; and it is they that, on such occasions, press to the banks to demand payment. Extensive merchants and money-dealers are aware, that no bank could retire all its notes in the short space of eight or ten days; and they are also aware, that the maintenance of their own credit is intimately connected with that of the banks in their vicinity. But such considerations do not influence the holders of small notes; and, accordingly, we find, that the crisis of 1797, the revulsion of 1815, and the late run, were chiefly caused by the prevalence of a panic amongst the retail traders, and small farmers.

So long, therefore, as any individual, or association of individuals, may issue notes of a low value, to be used in the common transactions of life, without lodging any security for their ultimate payment, so long is it *certain* that those panics, which must necessarily occur every now and then, and against which no effectual precaution can be devised, must occasion the destruction of a greater or smaller number of banking establishments, and, by consequence, a ruinous fluctuation in the supply and value of money.

Up to a comparatively late period, the banks of the United States were authorized to issue notes of any value; and many did issue them for so small a sum as a dollar! The consequences were such as might have been anticipated. In 1814, there was a general demolition of the banks, from one end of the Union to the other; and so universal was the destruction, that hardly a single establishment for the issue of notes escaped! The mischief and ruin occasioned by this universal crash, or, in other words, by the defective constitution of the banks, are forcibly depicted in a Report drawn up by Mr W. H. Crawford, Secretary of the Treasury in 1819: And Congress have latterly interfered, to guard against such tremendous visitations in future, by forbidding the issue of low notes.

In order to lessen the chances of runs, the directors of several of the country banks have adopted the ingenious device of making their notes payable in London, and *not* in the place where they are issued! This is similar in principle to the clause that was formerly inserted in the notes issued by some of the Scotch banks, which made it *optional* for them either to

pay the bearer when the note was presented, or *six months after* such presentment, allowing legal interest for these six months. The effects of this clause, which was abolished by act of Parliament, in degrading the value of the Scotch notes, are detailed by Dr Smith; and there can be no question, that the clause inserted in the English notes will have similar effects. A note, which cannot be converted into cash, unless it is carried two or three hundred miles, perhaps, from the sphere of its circulation, is plainly not so valuable as a note payable at the place where it is issued; and, if the Legislature does not interfere to stop this practice, we shall most probably have as many different values of paper, as there are different distances between the principal country-towns and London! An abuse of this kind ought upon no account to be tolerated.

The only objections of weight that can be made to the plan for suppressing the smaller notes of such country banks as are either unable or unwilling to lodge security for their repayment, and supplying their place with coin or notes of the Bank of England, are, *first*, that if their place be supplied with coin, the country will be subjected to the expense of maintaining an extraordinary quantity of gold and silver in circulation; and *second*, that if their place is supplied with Bank of England paper, *forgery* will be practised to as great an extent as ever.

With respect to the first of these objections, it is quite clear, that in the event of *six or eight* millions of one pound notes being withdrawn from circulation, and their place being supplied by an equal number of sovereigns, a very considerable expense will be entailed on the country. The interest of so large a sum, including a moderate allowance for the wear and tear of the coins, and the expenses of coinage, cannot be estimated at less than 300,000*l.* a year; though it is most certainly true, that if the issue of this additional quantity of coin be the only means by which uniformity can be given to the value of the currency, and ruinous fluctuations in its supply avoided, the expense would be well and properly incurred. We are satisfied, however, that the fluctuations in question may be avoided without any such sacrifice. It was not to the increased *issue* of the notes of the Bank of England that took place during the latter years of the war, by the substitution of the low notes of that Establishment in the place of those of the country banks, but to their *shamefully defective execution*, that their *forgery* was to be ascribed. There has not, for upwards of half a century, been any *visible* improvement in the manufacture of Bank of England notes. Apparently satisfied with the security derived from *private marks*, the Directors have allowed notes to be is-

sued, engraved in so wretched a style, and which afford so few distinguishing points or peculiarities, on which the eye can rest in comparing them with each other, that they almost seem to be intended to stimulate the efforts of forgers. It would be rather rash, however, to conclude from this, that the arts have been stationary for the last fifty years, and that it is impossible to render the imitation of a bank note a work of greater difficulty. It is, we admit, no easy task to manufacture a note which may not be counterfeited, even by ordinary engravers, with sufficient exactness to deceive the mass of those into whose hands it is likely to come in the course of circulation. But this is a difficulty that has been surmounted. Previously to 1814, the period when the Directors of the Bank of Ireland adopted Mr Oldham's plan for engraving their notes, their forgery was carried on to a very great extent. Since then, however, it has almost entirely ceased; and it appears from a paper printed in the Session 1821-22, by order of the House of Commons, that only *seventeen* persons had been convicted of issuing forged notes in Ireland in the three years ending with 1820! Although, therefore, we do not pretend to be informed with respect to the obstacles which have hitherto prevented the Directors of the Bank of England from issuing the improved notes of which so much has been said, there are good grounds for doubting whether they can be so formidable as has been represented. It is a very mistaken notion to suppose, as the Directors of the Bank of England seem to have done, that nothing less than the issue of *mimetable* notes can be of any material service. This is a degree of perfection to which it is in vain to expect to reach. Whatever has been executed by one set of artists, *may* be imitated by some other set. But, provided this imitation be rendered as it may be, a work of comparative difficulty, the public interests will be sufficiently protected. Notes which can only be counterfeited by first-rate engravers, will very rarely be counterfeited at all; and never in such numbers as to be productive of any seriously injurious consequences.

Forgery, it must be remembered, is an evil inseparable from the use of money—an abatement from the innumerable advantages of which it has been productive. Whatever commodity may be adopted to serve as a circulating medium, it must, in the nature of things, be a hopeless task to attempt to guard completely against the efforts of the issuers of spurious money. If the currency consists of paper, it will be counterfeited, and if it consists of the precious metals they will be adulterated and debased. All that can be done is to throw obstacles in the way of forgery—to render it, if possible, a work of extreme difficulty; and there

is no good reason for supposing that it would be more difficult to do this with notes than with coins. Indeed the very contrary seems to be established. No scheme for the improvement of the coinage has had the same success in preventing the issue of spurious coins, that Mr Oldham's inventions have had in preventing the issue of forged notes. In reasoning on this subject, we have been led into error by referring exclusively to the paper of the Bank of England. But the difficulties opposed to the issue of forged paper must be estimated by the success which forgers have had in imitating the *best*, and not the *worst* notes in circulation. And if we refer to this proper criterion—if for example, we take the improved notes of the Bank of Ireland, or of the Scotch Banks for a standard, instead of the *unimproved* notes of the Bank of England, it will be found that the security of the public against fraud and imposition is any thing but impaired by the issue of paper.

We do not, therefore, think that the plea, that the withdrawing of the smaller notes of such country banks, as do not choose to find security for their issues, and the supplying of their place with one pound notes of the Bank of England, would lead to a great increase of forgery, is well founded. We are persuaded that all danger that could arise from this source might be effectually obviated by a little attention on the part of the Directors of the Bank of England to the improvement of their notes. And if this were done, and the notes of the country banks made payable in Bank of England paper, and the paper of the Bank in gold bars exclusively, the issue of gold coin would be rendered quite superfluous; at the same time that the over-issue of paper would be more effectually prevented than it is at this moment, that the Bank would be relieved from the necessity of furnishing the country banks with supplies of gold during a revulsion, and that a very great security would be obtained against injurious fluctuations.

At the same time, however, it must be admitted, that this security would not be adequate to guard *completely* against the improvidence or bad faith of the issuers of paper. That the suppression of the smaller notes of the country banks who do not find security for their issues, would lessen the frequency and intensity of runs and panics, is certain; but it is at the same time obvious, that though a bank should not issue notes of a less value than 5*l.*, it might, notwithstanding, become insolvent from a variety of causes—from advancing its notes on insufficient security, or from a run caused by its issuing them in excess. But this is plainly a contingency against which nothing but the suppression of all private banks for the issue of

notes, or the forcing them to furnish securities equivalent to the amount of their issues, whether they consist of large or small notes, can ever completely guard. In the event, however, of the smaller notes being prohibited, or issued on security, and the law limiting the number of partners repealed, we do not think that much future inconvenience would arise from the uncontrolled proceedings of the country banks. But if it should be found that these measures were not sufficient to give that protection to the public, against fluctuations in the value of money, to which they are entitled, then certainly it would be the bounden duty of Government either wholly to suppress the country banks, or to make them find security for their whole issues. We believe, however, though it is impossible to speak with confidence on such a point, that any further interference would be unnecessary; and that the suppression of all country notes under 5*l*. not issued on security, and allowing any number of partners to form themselves into a banking company, would go far sufficiently to improve the existing system.

III. But, as has been already observed, it would be both oppressive and impolitic, in the event of any of the country banks finding security for the payment of their issues, as is proposed in the *third* of the plans we have taken the liberty to examine, to prohibit them from issuing small notes. In this case, the public would have a guarantee against suffering loss from their proceedings; and the circumstance of its being known that this guarantee had been obtained, would prevent their being exposed to sudden runs. There can be no question, however, that Parliament will be justly chargeable with the most culpable inattention to the public interests, if it does not interpose its authority, either entirely to prevent the issue of small notes by the country bankers, or to subject those who issue them to the obligation of finding sufficient security for their payment. It is in vain to attempt to palter with the existing system. Without the adoption of one or other of these plans, it will be found to be altogether impossible to give stability to the pecuniary transactions of the country; or to prevent the endless recurrence of those ruinous variations in the supply of money, which we have shown to be inseparable from the present system.

There may be some difference of opinion with respect to the amount and species of security that should be required from the country banks issuing small notes, and some little difficulty might be incurred in adjusting it. It appears to us, that the security might most advantageously be made to consist of funded

property; and that every banking company for the issue of small notes, should be obliged to deposit in the hands of Government as much stock as should be equal to the whole, or, at the very least, to *three-fourths* of the entire stamps issued to them; as well for large as for small notes. In order, however, to guard against the effect that might be occasioned by a decline in the price of the funds, it should be enacted, that a given amount of stock should be required when the 3 per cents. were at or under 60, and a greater amount according as they rose in price. Thus, suppose a bank to be established for the issue of all sorts of notes, when the 3 per cents. were at or under 60, they might be obliged to deliver stock to Government in security equal to 75 per cent., or *three-fourths* of the stamps issued to them. And if a bank were to be established, or additional stamps issued to an old one, when the 3 per cents. were at 90 or upwards, a deposit of stock, equal at the then prices to the *whole amount* of the stamps required, should be demanded; and so in proportion when the price varied between these two points, which might be made the limits of the range.

By the adoption of such a plan as this, the public would have, in all ordinary cases, a security equal to *three-fourths* of the total paper afloat of such country banks as issued small notes; and it is hardly conceivable, under such circumstances, that any considerable loss could ever be incurred by their failure. It is obvious, too, that this system would have many collateral advantages. By obliging the bankers to increase their securities, whenever they made any considerable addition to their issues, this plan would have the effect to throw very considerable obstacles in the way of that excessive issue of paper that invariably takes place under the present system when prices are on the advance; and would, consequently, prevent its sudden and injurious contraction when prices begin to decline, or when the Bank of England begins to narrow her issues. It is obvious, too, that this system would exclude the possibility of any banking company for the issue of small notes being formed, without its being possessed of considerable capital. Adventurers speculating on the funds of others, and sharpers, whose only object is to get themselves indebted to the public, would find that banking was no longer a field on which they could advantageously enter. And while the public would be protected from loss, the business of banking would gain both in respectability and security; for, it is next to impossible, that such a panic could ever be excited, as would occasion any thing like a general or continued run on banks, who had given security for payment of their issues.

It has been said, that this plan would be injurious, by locking up a portion of the capital of the banks; but this is plainly a mistake. The only effect in this respect that it would have, would be to force such banks as issued small notes, for it is to such only that we would make the regulation, in the first instance applicable, to hold a *supplemental capital* as a security, over and above the capital that was required for the active conduct of their business. But this supplemental capital would not be unproductive. Its owners would obtain the same profit on it that is realized by all other individuals who hold funded property; while the fact of its being known that they were possessed of this supplemental capital would, by increasing the public confidence, enable them to conduct their business with a much less supply of floating or available capital than would otherwise be necessary.

With respect to the great objection to this plan—that it would be an improper and unwarrantable interference with the great principle of the freedom of industry—we confess we do not think it entitled to the smallest weight. We respect this principle as much as any one can possibly do, and are anxious that it should be carried to its fullest extent. But still we think with Dr Smith and Mr Ricardo, that the interference of Government is not only justifiable, but that it is most properly exerted in preventing the adoption of any system that must necessarily lead to embarrassment and disorder, in conducting the ordinary business of society, and in preventing such frauds as may be easily practised, and cannot be easily prevented, except by its means. We are not aware that any one has yet thought of finding fault with the regulations enforcing an uniformity in the same species of weights and measures. There may be, however, and we have no doubt there are, many individuals, who would prefer manufacturing foot-rules of eleven inches in length, rather than of twelve, and others who would prefer making them of nine or ten; and however oppressive it may seem to interfere with these partialities, still it is clear that the public interest is much better consulted, by keeping the foot-rule at one uniform standard, than it would be by gratifying the whims of these worthy persons. Now, we hold that this principle is decisive with respect to the case in question. *Money is by far the most important of all the measures used in a state*; and if it be, as it undoubtedly is, most proper and expedient, to take measures for rendering all foot-rules of the same length; and all bushels of the same capacity, it must be equally proper and expedient to take measures to prevent any variation in the measure of value, or, which is the same thing, in the value of money. The justice of this principle is obvious, and the legis-

lature has already on many occasions recognised it. At present, the notes of the Bank of England, and of the country banks, are prevented from circulating as money, unless they are made payable on demand: and it is admitted on all hands, that this is a most proper regulation. But why is it proper?—because it prevents any considerable excess of paper getting into circulation, and hinders it, so long as it continues to circulate, from being depreciated as compared with gold. Surely, however, if it be advantageous to prevent bankers issuing too much paper, it must be infinitely more so to prevent them from issuing paper that is *altogether worthless*, and which they have neither the means nor probably the wish to pay! * But this is what we have not done,—we have organized a system to prevent a bank note from losing *one-tenth* of its value as compared with gold, but we have taken no steps to prevent it losing its entire value!—we have been so much engrossed with the *shadow* that we have had no time to bestow a thought on the substance.

Those who are most inclined to question the soundness of Mr Ricardo's views in other departments of economical science, are universally disposed to admit that he had a more profound and intimate knowledge of the theory and practical operation of our money system than any other individual; and assuredly there could be no more zealous and uncompromising advocate of the great principle of the freedom of industry. We, therefore, feel very great pleasure in being able to quote the following paragraph from his Tract, *On an Economical and Secure Currency*, published in 1816. It corroborates in every particular all that we have now advanced.—‘ In the examinations to which medical practitioners are obliged to submit,’ says Mr Ricardo, ‘ there is no improper interference: for it is necessary to the welfare of the people, that the fact of their having acquired a certain portion of knowledge respecting the diseases of the human frame should be ascertained and certified. The same may be said of the stamp which Government puts on plate and money; it thereby prevents fraud, and saves the necessity of having recourse, on each purchase and sale, to a difficult chemical process. In examining the purity of drugs sold by chemists and apothecaries, the same object is

* Mr Tooke mentions, in his recent Tract, that it appears, by the disclosures arising out of the late failures, that several of the country banks had been, for some time before, utterly insolvent, and had been kept afloat merely by the confidence of their customers, and the facilities of the money-market (56)

‘ had in view. In all these cases, the purchasers are not supposed to have, or to be able to acquire sufficient knowledge to guard them against deception; and government interferes to do that for them which they could not do for themselves.

‘ But if the public require protection against the inferior money which might be imposed upon them by an undue mixture of alloy, and which is obtained by means of the Government stamp when metallic money is used; how much more necessary is such protection when paper money forms the whole, or almost the whole, of the circulating medium of the country? Is it not most inconsistent that Government should use its power to protect the community from the loss of one shilling in a guinea; at the same time that it does not interfere to protect them from the loss of the whole twenty shillings in a one pound note? In the case of the Bank of England notes, a guarantee is taken by the Government for the notes which the Bank issue; and the whole capital of the Bank, amounting to more than eleven millions and a half, must be lost before the holders of their notes can be sufferers from any imprudence they may commit. Why is not the same principle followed with respect to the country banks? What objection can there be against requiring of those who take upon themselves the office of furnishing the public with a circulating medium, to deposit with Government an *adequate security for the due performance of their engagements*? In the use of money *every one is a trader*. Those whose habits and pursuits are little suited to explore the mechanism of trade, are *obliged* to make use of money; and are no way qualified to ascertain the solidity of the different banks whose paper is in circulation. Accordingly we find that men living on limited incomes, women, labourers, and mechanics of all descriptions, are often severe sufferers by the failure of country banks, which have lately become frequent beyond all former example. Though I am by no means disposed to judge uncharitably of those who have occasioned so much ruin and distress to the middle and lower classes of the people, yet, it must be allowed by the most indulgent, that the true business of banking must be very much abused before it can be necessary for any bank, possessed of the most moderate funds, to fail in their engagements; and I believe it will be found, in by far the major part of these failures, that the parties can be charged with offences much more gross than those of mere imprudence and want of caution.*

‘ Against this inconvenience the public should be protected, by requiring every country bank to deposit with Government,

‘ or with commissioners appointed for that purpose, funded
 ‘ property or other government securities, in some proportion to
 ‘ the amount of their issues.’ p. 34. *

We have thus endeavoured to trace the circumstances which led to the late crisis, and to show that they grew naturally out of the system on which the business of banking is conducted in England, and that, so long as that system is continued, we shall unavoidably be subjected to similar revulsions. We have also endeavoured to ascertain the means by which these ruinous variations in the supply and value of money might be most easily and effectually prevented. And we think we have said enough to show, that although the repeal of the Act limiting the number of partners who can enter into a private banking house, is a most proper and expedient measure, still it would be altogether incompetent to remedy the evils complained of, or to protect the public from the injurious effects of the fraud or improvidence of the issuers of paper money; and that, nothing less than the suppression of all country notes under 5*l.*, or the compelling such individuals or associations as issue notes below that sum to find security for their payment, can give stability to the banking system, and guard completely against the endless recurrence of the most ruinous revulsions.

We have not learned any thing with respect to the intentions of ministers on this subject; but it is quite impossible that matters can be allowed to continue on their present footing; and we feel assured, that Messrs Robinson and Huskisson cannot be otherwise than anxious to subvert a system that exposes the fortunes of individuals to such tremendous shocks, and goes far to render every industrious undertaking no better than a gambling speculation. This, however, is a subject that ought not to be left wholly to the decision of even the most intelligent ministers, but on which the public should speak out.—There can be no doubt that a large proportion of the bankers, and landholders, and all that vile brood of gamblers with which London and the other great towns throughout the empire are gorged, will adopt every means in their power to prolong the existing system. But the opposition of these persons to the change we have recommended, will be one of the strongest proofs of its expediency. And if ministers do their duty, and the public be not grossly deficient in theirs, the ensuing Session will not be allowed to elapse without that change being effected in the banking system which is so highly necessary.

P. S.—Since the foregoing article was written, Ministers have submitted their measures for the improvement of the cur-

rency to the consideration of Parliament. According to the resolutions proposed by Mr Robinson, no more stamps for the issue of notes of less than 5*l.* in value are to be granted, *either to the Bank of England, or to any of the English country banks,* and the circulation of such small notes is entirely to cease on the 5th of February 1829. There can be no doubt, that this measure will effect a very great improvement in the present state of the currency; though we are of opinion, for the reasons previously stated, that a still greater improvement might have been effected by means far less onerous and expensive. Our object ought not to be to force the substitution of a gold currency in the place of a paper one, except only where there are no means of establishing the latter on a secure foundation. For this reason, we object entirely to the prevention of the circulation of Bank of England one pound notes; and we do not see, as we have previously stated, on what ground the measure should be extended to such country banks as might be disposed to give security for their issues. The proposal to take securities from the country bankers is not a new one; it was favourably entertained by Mr Pitt, who was obliged to relinquish it only on account of the difficulties occasioned by the war. Luckily, however, there is not at present any such obstacle in the way of its adoption. We know, too, from undoubted authority, that there are many country bankers who are ready to give full security for the whole amount of their paper in circulation; and there is not, nor is it possible there can be, any valid reason why *such* bankers should not be allowed to issue 1*l.* notes. We approve most heartily of the suppression of all low notes issued by such individuals or associations, as either will not, or cannot give security for payment of their paper. But why extend the measure farther than this? Why make it apply to notes, for the payment of which an equivalent amount of property is pledged, and which are, therefore, equally valuable as gold? This is to subject the country to the heavy expenses of a metallic currency, without obtaining any corresponding advantage. Let us have gold, provided we cannot have paper equivalent to gold; but do not force us to take the former, if we can obtain the latter, which, while it is equally secure, is both more commodious and cheap.

A very considerable sensation has been excited in this part of the empire by Mr Robinson's announcing that he means to propose the suppression of the small notes of the Scotch banks, and that no principle of circulation ought to be tolerated either in Scotland or Ireland that is not tolerated in England. Now, it is certainly true, that owing to the large capitals possessed by the

greater number of the Scotch banking establishments, and the comparatively safe and prudent principles on which they have, generally speaking, conducted their business, there is infinitely less occasion for any change in the currency of Scotland than of England. Even without any security, we do not believe that there would, *at present*, be any hazard in allowing things to go on as heretofore. But no one can answer for the future; and it is impossible not to feel how desirable it must be that, ultimately, a perfect identity should obtain in the money system of every part of the empire. Among the many country banks of England, we suppose it would not be difficult to point out twenty or thirty, as to whom, from the known wealth of their partners, and the prudence of their management, it would be as safe to continue the old system, as to the greater part of our banks in Scotland. If a change of that system, however, has now become necessary for the general safety, could it ever be proposed to make an exception of those more exemplary English establishments? and, upon principle, it seems almost as difficult to take notice of our Scottish claims to exemption. It is quite true, at the same time, that the Scottish system has all along been different from, and independent of that of England; and that the restrictions which applied to the latter, previous to the first issue of small notes by the Bank of England, never had any existence, or were felt, or supposed to be necessary, in this poorer and more cautious country. As Scotchmen, therefore, we cannot but wish that no needless, and, above all, no sudden, innovation should be made on a system, with which we believe the great body of the country to be perfectly contented. And we trust, that no sacrifice will be made of the interests, or even the wishes, of this part of the empire, either to a blind love of uniformity, or to the claims or clamours of the rash speculators in English country paper.

Our most peremptory and immediate objection to Mr Robinson's plan, however, is its forcing the unconditional abandonment of small notes; and as the chief object in granting cash-accounts in Scotland is to get small notes circulated, there is some reason to fear, were they suppressed, that this useful species of accommodation would no longer be afforded. We do, therefore, hope that this cardinal defect in the proposed plans will be amended, and that those bankers at least who find security for their paper, will be allowed to issue small notes as at present. If this is done, the currency will be placed on the best possible footing; and the establishment of the system will be a great and signal improvement.

ART. II.—*Wanderings in South America, the North-West of the United States, and the Antilles, in the Years 1812, 1816, 1820, and 1824; with Original Instructions for the perfect Preservation of Birds, &c. for Cabinets of Natural History.* By CHARLES WATERTON, Esq. London, Mawman. 4to. 1825.

MR WATERTON is a Roman Catholic gentleman of Yorkshire, of good fortune, who, instead of passing his life at balls and assemblies, has preferred living with Indians and monkeys in the forests of Guiana. He appears in early life to have been seized with an unconquerable aversion to Piccadilly, and to that train of meteorological questions and answers, which forms the great staple of polite English conversation. From a dislike to the regular form of a journal, he throws his travels into detached pieces, which he, rather affectedly, calls *Wanderings*—and of which we shall proceed to give some account.

His first Wandering was in the year 1812, through the wilds of Demerara and Essequibo, a part of *ci-devant* Dutch Guiana, in South America. The sun exhausted him by day, the musquitoes bit him by night; but on went Mr Charles Waterton!

The first thing which strikes us in this extraordinary chronicle, is the genuine zeal and inexhaustible delight with which all the barbarous countries he visits are described. He seems to love the forests, the tigers, and the apes;—to be rejoiced that he is the only man there; that he has left his species far away; and is at last in the midst of his blessed baboons! He writes with a considerable degree of force and vigour; and contrives to infuse into his reader that admiration of the great works, and undisturbed scenes of Nature, which animates his style, and has influenced his life and practice. There is something, too, to be highly respected and praised in the conduct of a country gentleman, who, instead of exhausting life in the chase, has dedicated a considerable portion of it to the pursuit of knowledge. There are so many temptations to complete idleness in the life of a country gentleman, so many examples of it, and so much loss to the community from it, that every exception from the practice is deserving of great praise. Some country gentlemen must remain to do the business of their counties; but, in general, there are many more than are wanted; and, generally speaking also, they are a class who should be stimulated to greater exertions. Sir Joseph Banks, a squire of large fortune in Lincolnshire, might have given up his existence to double-barrelled guns and persecutions of poachers,—and all the benefits derived from his wealth, industry, and personal exertion in the cause of science, would have been lost to the community.

Mr Waterton complains, that the trees of Guiana are not more than six yards in circumference,—a magnitude in trees which it is not easy for a Scotch imagination to reach. Among these, pre-eminent in height rises the mora,—upon whose top branches, when naked by age, or dried by accident, is perched the Toucan, too high for the gun of the fowler;—around this are the green heart, famous for hardness; the tough hackea; the ducalabali, surpassing mahogany; the ebony and letter-wood, exceeding the most beautiful woods of the Old World; the locust-tree, yielding copal; and the hayawa and olou-trees, furnishing sweet smelling resin. Upon the top of the mora grows the fig-tree. The bush-rope joins tree and tree, so as to render the forest impervious, as, descending from on high, it takes root as soon as its extremity touches the ground, and appears like shrouds and stays supporting the mainmast of a line of battle ship.

Demerara yields to no country in the world in her birds. The mud is flaming with the scarlet curlew. At sunset, the pelicans return from the sea to the courada trees. Among the flowers are the humming-birds. The columbine, gallinaceous, and passerine tribes people the fruit-trees. At the close of day, the vampires, or winged-bats, suck the blood of the traveller, and cool him by the flap of their wings. Nor has Nature forgotten to amuse herself here in the composition of snakes:—the Camoudi has been killed from thirty to forty feet long; he does not act by venom, but by size and convolution. The Spaniards affirm that he grows to the length of eighty feet, and that he will swallow a bull; but Spaniards love the superlative. There is a *whipsnake* of a beautiful green. The Labarri snake of a dirty brown, who kills you in a few minutes. Every lovely colour under heaven is lavished upon the counachoueli, the most venomous of reptiles, and known by the name of the *bush-master*. Man and beast, says Mr Waterton, fly before him, and allow him to pursue an undisputed path.

We consider the following description of the various sounds in these wild regions as very striking, and done with very considerable powers of style.

“He whose eye can distinguish the various beauties of uncultivated nature, and whose ear is not shut to the wild sounds in the woods, will be delighted in passing up the river Demerara. Every now and then, the maam or tinamou sends forth one long and plaintive whistle from the depth of the forest, and then stops; whilst the yelping of the toucan, and the shrill voice of the bird called Pi-pi-ya, is heard during the interval. The campanero never fails to attract the attention of the passenger; at a distance of nearly three miles, you may hear this snow-white bird tolling every four or five

minutes, like the distant convent bell. From six to nine in the morning, the forests resound with the mingled cries and strains of the feathered race; after this, they gradually die away. From eleven to three all nature is hushed as in a midnight silence, and scarce a note is heard, saving that of the campanero and the pi-pi-yo; it is then that, oppressed by the solar heat, the birds retire to the thickest shade, and wait for the refreshing cool of evening.

‘ At sundown the vampires, bats, and goat-suckers dart from their lonely retreat, and skim along the trees on the river’s bank. The different kinds of frogs almost stun the ear with their hoarse and hollow sounding croaking, while the owls and goat-suckers lament and mourn all night long.

‘ About two hours before daybreak, you will hear the red monkey moaning as though in deep distress; the houtou, a solitary bird, and only found in the thickest recesses of the forest, distinctly articulates, “houtou, houtou,” in a low and plaintive tone, an hour before sunrise; the maam whistles about the same hour; the hanna-quoi, pataca, and maroudi announce his near approach to the eastern horizon, and the parrots and paroquets confirm his arrival there.’ pp. 13–15.

Our good Quixote of Demerara is a little too fond of apostrophizing:—‘ Traveller! dost thou think? Reader! dost thou imagine?’ Mr Waterton should remember, that the whole merit of these violent deviations from common style depends upon their rarity, and that nothing does, for ten pages together, but the indicative mood. This fault gives an air of affectation to the writing of Mr Waterton, which we believe to be foreign from his character and nature. We do not wish to deprive him of these indulgences altogether; but merely to put him upon an allowance, and upon such an allowance, as will give to these figures of speech the advantage of surprise and relief.

This gentleman’s delight and exultation always appear to increase as he loses sight of European inventions, and comes to something purely Indian. Speaking of an Indian tribe, he says,

‘ They had only one gun, and it appeared rusty and neglected; but their poisoned weapons were in fine order. Their blow-pipes hung from the roof of the hut, carefully suspended by a silk grass cord; and on taking a nearer view of them, no dust seemed to have collected there, nor had the spider spun the smallest web on them; which showed that they were in constant use. The quivers were close by them, with the jaw-bone of the fish Pirai tied by a string to their brim, and a small wicker-basket of wild cotton, which hung down to the centre: they were nearly full of poisoned arrows. It was with difficulty these Indians could be persuaded to part with any of the wourali poison, though a good price was offered for it; they gave us to understand that it was powder and shot to them, and very difficult to be procured.’ pp. 34, 35.

A wicker-basket of wild cotton, full of poisoned arrows, for shooting fish ! This is Indian with a vengeance. We fairly admit that, in the contemplation of such utensils, every trait of civilized life is completely and effectually banished.

One of the strange and fanciful objects of Mr Waterton's journey was, to obtain a better knowledge of the composition and nature of the *Wourali* poison, the ingredient with which the Indians poison their arrows. In the wilds of Essequibo, far away from any European settlements, there is a tribe of Indians known by the name of *Macoushi*. The *Wourali* poison is used by all the South American savages, betwixt the Amazon and the Oroonoke; but the *Macoushi* Indians manufacture it with the greatest skill, and of the greatest strength. A vine grows in the forest called *Wourali*; and from this vine, together with a good deal of nonsense and absurdity, the poison is prepared. When a native of *Macoushia* goes in quest of feathered game, he seldom carries his bow and arrows. It is the blow-pipe he then uses. The reed grows to an amazing length, as the part the Indians use is from 10 to 11 feet long, and no tapering can be perceived, one end being as thick as another; nor is there the slightest appearance of a knot or joint. The end which is applied to the mouth is tied round with a small silk grass cord. The arrow is from nine to ten inches long; it is made out of the leaf of a palm-tree, and pointed as sharp as a needle: about an inch of the pointed end is poisoned: the other end is burnt to make it still harder, and wild cotton is put round it for an inch and a half. The quiver holds from 5 to 600 arrows, is from 12 to 14 inches long, and in shape like a dice-box. With a quiver of these poisoned arrows over his shoulder, and his blow-pipe in his hand, the Indian stalks into the forest in quest of his feathered game.

These generally sit high up in the tall and tufted trees, but still are not out of the Indian's reach; for his blow-pipe, at its greatest elevation, will send an arrow three hundred feet. Silent as midnight he steals under them, and so cautiously does he tread the ground, that the fallen leaves rustle not beneath his feet. His ears are open to the least sound, while his eye, keen as that of the lynx, is employed in finding out the game in the thickest shade. Often he imitates their cry, and decoys them from tree to tree, till they are within range of his tube. Then taking a poisoned arrow from his quiver, he puts it in the blow-pipe, and collects his breath for the fatal puff.

About two feet from the end through which he blows, there are fastened two teeth of the acouri, and these serve him for a sight. Silent and swift the arrow flies, and seldom fails to pierce the object at which it is sent. Sometimes the wounded bird remains in the same tree where it was shot, but in three minutes falls down at the

Indian's feet. Should he take wing, his flight is of short duration, and the Indian, following in the direction he has gone, is sure to find him dead.

'It is natural to imagine that, when a slight wound only is inflicted, the game will make its escape. Far otherwise; the wourali poison instantaneously mixes with blood or water, so that if you wet your finger, and dash it along the poisoned arrow in the quickest manner possible, you are sure to carry off some of the poison.

'Though three minutes generally elapse before the convulsions come on in the wounded bird, still a stupor evidently takes place sooner, and this stupor manifests itself by an apparent unwillingness in the bird to move. This was very visible in a dying fowl.' pp. 60-62.

The flesh of the game is not in the slightest degree injured by the poison; nor does it appear to be corrupted sooner than that killed by the gun or knife. For the larger animals, an arrow with a poisoned spike is used.

'Thus armed with deadly poison, and hungry as the hyæna, he ranges through the forest in quest of the wild beasts' track. No hound can act a surer part. Without clothes to fetter him, or shoes to bind his feet, he observes the footsteps of the game, where an European eye could not discern the smallest vestige. He pursues it through all its turns and windings, with astonishing perseverance, and success generally crowns his efforts. The animal, after receiving the poisoned arrow, seldom retreats two hundred paces before it drops.

'In passing over land from the Essequibo to the Demerara, we fell in with a herd of wild hogs. Though encumbered with baggage, and fatigued with a hard day's walk, an Indian got his bow ready, and let fly a poisoned arrow at one of them. It entered the cheek bone and broke off. The wild hog was found quite dead about one hundred and seventy paces from the place where he had been shot. He afforded us an excellent and wholesome supper.' p. 65.

Being a *Wourali* poison fancier, Mr Waterton has recorded several instances of the power of his favourite drug. A sloth poisoned by it, went gently to sleep, and died! a large ox, weighing one thousand pounds, was shot with three arrows; the poison took effect in 4 minutes, and in 25 minutes he was dead. The death seems to be very gentle; and resembles more a quiet apoplexy, brought on by hearing a long story, than any other kind of death. If an Indian happen to be wounded with one of these arrows, he considers it as certain death. We have reason to congratulate ourselves, that our method of terminating disputes is by sword and pistol, and not by these medicated pins; which, we presume, will become the weapons of gentlemen in the New Republics of South America.

The second Journey of Mr Waterton, in the year 1816, was to Pernambuco, in the southern hemisphere, on the coast of

Brazil, and from thence he proceeds to Cayenne. His plan was, to have ascended the Amazon from Para, and got into the Rio Negro, and from thence to have returned towards the source of the Essequibo, in order to examine the Crystal Mountains, and to look once more for Lake Parima, or the White Sea; but, on arriving at Cayenne, he found that to beat up the Amazon would be long and tedious; he left Cayenne, therefore, in an American ship for Paramaribo, went through the interior to Coryntin, stopped a few days at New Amsterdam, and proceeded to Demerara.

‘Leave behind you’ (he says to the traveller) ‘your high-seasoned dishes, your wines, and your delicacies; carry nothing but what is necessary for your own comfort, and the object in view, and depend upon the skill of an Indian, or your own, for fish and game. A sheet, about twelve feet long, ten wide, painted, and with loop-holes on each side, will be of great service: in a few minutes you can suspend it betwixt two trees in the shape of a roof. Under this, in your hammock, you may defy the pelting shower, and sleep heedless of the dews of night. A hat, a shirt, and a light pair of trowsers, will be all the raiment you require. Custom will soon teach you to tread lightly and barefoot on the little inequalities of the ground, and show you how to pass on, unwounded, amid the mantling briars.’ pp. 112, 113.

Snakes are certainly an annoyance; but the snake, though high-spirited, is not quarrelsome; he considers his fangs to be given for defence, and not for annoyance, and never inflicts a wound but to defend existence. If you tread upon him, he puts you to death for your clumsiness, merely because he does not understand what your clumsiness means; and certainly a snake, who feels 14 or 15 stone stamping upon his tail, has little time for reflection, and may be allowed to be poisonous and peevish. American tigers generally run away—from which several respectable gentlemen in Parliament inferred, in the American war, that American soldiers would run away also!

The description of the birds is very animated and interesting; but how far does the gentle reader imagine the campanero may be heard, whose size is that of a jay? Perhaps 500 yards. Poor innocent, ignorant reader! unconscious of what Nature has done in the forests of Cayenne, and measuring the force of tropical intonation by the sounds of a Scotch duck! The campanero may be heard three miles!—this single little bird being more powerful than the belfry of a cathedral, ringing for a new dean—just appointed on account of shabby politics, small understanding, and good family!

The fifth species is the celebrated campanero of the Spaniards, called Dara by the Indians, and bell-bird by the English. He is about the size of the jay. His plumage is white as snow. On his forehead rises a spiral tube nearly three inches long. It is jet black,

dotted all over with small white feathers. 'It has a communication with the palate, and when filled with air, looks like a spire; when empty, it becomes pendulous. His note is loud and clear, like the sound of a bell, and may be heard at the distance of three miles.' In the midst of these extensive wilds, generally on the dried top of an aged mora, almost out of gun reach, you will see the campanero. No sound or song from any of the winged inhabitants of the forest, not even the clearly pronounced "Whip-poor-Will," from the goat-sucker, cause such astonishment, as the toll of the campanero.

'With many of the feathered race, he pays the common tribute of a morning and an evening song; and even when the meridian sun has shut in silence the mouths of almost the whole of animated nature, the campanero still cheers the forest. You hear his toll, and then a pause for a minute, then another toll, and then a pause again, and then a toll, and again a pause.' pp. 117, 118.

It is impossible to contradict a gentleman who has been in the forests of Cayenne: but we are determined, as soon as a campanero is brought to England, to make him toll in a public place, and have the distance measured. The toucan has an enormous bill, makes a noise like a puppy dog, and lays his eggs in hollow trees. How astonishing are the freaks and fancies of nature! To what purpose, we say, is a bird placed in the woods of Cayenne, with a bill a yard long, making a noise like a puppy dog, and laying eggs in hollow trees? The toucans, to be sure, might retort, to what purpose were gentlemen in Bond-street created? To what purpose were certain foolish prating Members of Parliament created?—pestering the House of Commons with their ignorance and folly, and impeding the business of the country? There is no end of such questions. So we will not enter into the metaphysics of the toucan. The hontou ranks high in beauty; his whole body is green, his wings and tail blue, his crown is of black and blue; he makes no nest, but rears his young in the sand.

'The cassique, in size, is larger than the starling; he courts the society of man, but disdains to live by his labours. When nature calls for support, he repairs to the neighbouring forest, and there partakes of the store of fruits and seeds, which she has produced in abundance for her aerial tribes. When his repast is over, he returns to man, and pays the little tribute which he owes him for his protection; he takes his station on a tree close to his house; and there, for hours together, pours forth a succession of imitative notes. His own song is sweet, but very short. If a toucan be yelping in the neighbourhood, he drops it, and imitates him. Then he will amuse his protector with the cries of the different species of the wood-pecker; and when the sheep bleat, he will distinctly answer them. Then comes his own song again, and if a puppy dog or a guinea fowl interrupt him, he takes them off admirably, and by his different gestures during the time, you would conclude that he enjoys the sport.

' The cassique is gregarious, and imitates any sound he hears with such exactness, that he goes by no other name than that of Mocking-bird amongst the colonists.' pp. 127, 128.

There is no end to the extraordinary noises of the forest of Cayenne. The woodpecker, in striking against the tree with his bill, makes a sound so loud, that Mr Waterton says it reminds you more of a wood-cutter than a bird. While lying in your hammock, you hear the goatsucker lamenting like one in deep distress; a stranger would take it for a Weir murdered by Thurtell.

' Suppose yourself in hopeless sorrow, begin with a high loud note, and pronounce, " ha, ha, ha, ha, ha, ha," each note lower and lower, till the last is scarcely heard, pausing a moment or two betwixt every note, and you will have some idea of the moaning of the largest Goatsucker in Demerara.' p. 141.

One species of the goatsucker cries, ' Who are you? Who are you?' Another exclaims, ' Work away, Work away.' A third, ' Willy come go, Willy come go.' A fourth, ' Whip poor Will, Whip poor Will.' It is very flattering to us that they should all speak *English*—though we cannot much commend the elegance of their selections. The Indians never destroy these birds, believing them to be the servants of Jumbo, the African devil.

Great travellers are very fond of triumphing over civilized life; and Mr Waterton does not omit the opportunity of remarking, that nobody ever stooped him in the forests of Cayenne to ask him for his license, or to inquire if he had an hundred a year, or to take away his gun, or to dispute the limits of a manor, or to threaten him with a tropical justice of the peace. We hope, however, that in this point we are on the eve of improvement. Mr Peel, who is a man of high character and principles, may depend upon it that the time is come for his interference, and that it will be a loss of reputation to him not to interfere. If any one else can and will carry an alteration through Parliament, there is no occasion that the hand of Government should appear; but some hand *must* appear. The common people are becoming ferocious and the perdricide criminals are more numerous than the violators of all the branches of the Decalogue.

' The King of the Vultures is very handsome, and seems to be the only bird which claims regal honours from a surrounding tribe. It is a fact beyond all dispute, that when the scent of carrion has drawn together hundreds of the common Vultures, they all retire from the carcass as soon as the King of the Vultures makes his appearance. When his majesty has satisfied the cravings of his royal stomach with the choicest bits from the most stinking and corrupted

parts, he generally retires to a neighbouring tree, and then the common Vultures return in crowds to gobble down his leavings. The Indians, as well as the Whites, have observed this; for when one of them, who has learned a little English, sees the King, and wishes you to have a proper notion of the bird, he says, "There is the governor of the carrion crows."

'Now, the Indians have never heard of a personage in Demerara higher than that of governor; and the colonists, through a common mistake, call the Vultures carrion crows. Hence the Indian, in order to express the dominion of this bird over the common Vultures, tells you he is governor of the carrion crows. The Spaniards have also observed it, for, through all the Spanish Main, he is called *Rey de Zamuros*, King of the Vultures.' p. 146.

This, we think, explains satisfactorily the origin of kingly government. As men have 'learnt from the dog the physic of the field,' they may probably have learnt from the vulture, those high lessons of policy, upon which, in Europe, we suppose the whole happiness of society, and the very existence of the human race to depend.

Just before his third journey, Mr Waterton takes leave of Sir Joseph Banks, and speaks of him with affectionate regret. 'I saw, (says Mr W.) with sorrow, that death was going to rob us of him. We talked of stuffing quadrupeds; I agreed that the lips and nose ought to be cut off, and stuffed with wax.' This is the way great naturalists take an eternal farewell of each other! Upon stuffing animals, however, we have a word to say. Mr Waterton has placed at the head of his book, the picture of what he is pleased to consider a nondescript species of monkey. In this exhibition our author is surely abusing his stuffing talents, and laughing at the public. It is clearly the head of a Master in Chancery—whom we have often seen backing in the House of Commons after he has delivered his message. It is foolish thus to trifle with science and natural history. Mr Waterton gives an interesting account of the sloth, an animal of which he appears to be fond, and whose habits he has studied with peculiar attention.

'Some years ago I kept a sloth in my room for several months. I often took him out of the house and placed him upon the ground, in order to have an opportunity of observing his motions. If the ground were rough, he would pull himself forwards, by means of his forelegs, at a pretty good pace; and he invariably shaped his course towards the nearest tree. But if I put him upon a smooth and well-trodden part of the road, he appeared to be in trouble and distress: his favourite abode was the back of a chair; and after getting all his legs in a line upon the topmost part of it, he would hang there for hours together, and often, with a low and inward cry, would seem to invite me to take notice of him.' p. 164.

The sloth, in its wild state, spends its life in trees, and never leaves them but from force or accident. The eagle to the sky, the mole to the ground, the sloth to the tree; but what is most extraordinary, he lives not *upon* the branches, but *under* them. He moves suspended, rests suspended, sleeps suspended, and passes his life in suspence,—like a young clergyman distantly related to a bishop. Strings of ants may be observed, says our good traveller, a mile long, each carrying in its mouth a green leaf the size of a sixpence! he does not say whether this is a loyal procession, like Oak Appleday, or for what purpose these leaves are carried; but it appears, while they are carrying the leaves, that three sorts of ant-bears are busy in eating them. The habits of the largest of these three animals are curious, and to us new. We recommend the account to the attention of the reader.

‘He is chiefly found in the inmost recesses of the forest, and seems partial to the low and swampy parts near creeks, where the Troely tree grows. There he goes up and down in quest of Ants, of which there is never the least scarcity; so that he soon obtains a sufficient supply of food, with very little trouble. He cannot travel fast; man is superior to him in speed. Without swiftness to enable him to escape from his enemies, without teeth, the possession of which would assist him in self-defence, and without the power of burrowing in the ground, by which he might conceal himself from his pursuers, he still is capable of ranging through these wilds in perfect safety; nor does he fear the fatal pressure of the serpent’s fold, or the teeth of the famished Jaguar. Nature has formed his fore legs wonderfully thick, and strong, and muscular, and armed his feet with three tremendous sharp and crooked claws. Whenever he seizes an animal with these formidable weapons, he hugs it close to his body, and keeps it there till it dies through pressure, or through want of food. Nor does the Ant-bear, in the mean time, suffer much from loss of aliment, as it is a well known fact, that he can go longer without food than perhaps any other animal, except the land tortoise. His skin is of a texture that perfectly resists the bite of a dog; his hinder parts are protected by thick and shaggy hair, while his immense tail is large enough to cover his whole body.

‘The Indians have a great dread of coming in contact with the Ant-bear; and after disabling him in the chase, never think of approaching him till he be quite dead.’ p. 171, 172.

The vampire measures about 26 inches from wing to wing. There are two species, large and small. The large suck men, and the smaller birds. Mr W. saw some fowls which had been sucked the night before, and they were scarcely able to walk.

‘Some years ago I went to the river Paumaron with a Scotch

gentleman, by name Tarbet. We hung our hammocks in the thatched loft of a planter's house. Next morning I heard this gentleman muttering in his hammock, and now and then letting fall an imprecation or two, just about the time he ought to have been saying his morning prayers. "What is the matter, Sir," said I, softly; "is any thing amiss?" "What's the matter?" answered he, surlily; "why, the Vampires have been sucking me to death." As soon as there was light enough, I went to his hammock, and saw it much stained with blood. "There," said he, thrusting his foot out of the hammock, "see how these infernal imps have been drawing my life's blood." On examining his foot, I found the Vampire had tapped his great toe: there was a wound somewhat less than that made by a leech; the blood was still oozing from it; I conjectured he might have lost from ten to twelve ounces of blood. Whilst examining it, I think I put him into a worse humour by remarking, that an European surgeon would not have been so generous as to have blooded him without making a charge. He looked up in my face, but did not say a word: I saw he was of opinion that I had better have spared this piece of ill-timed levity.' p. 176, 177.

The story which follows this account is vulgar, unworthy of Mr Waterton, and should have been omitted.

Every animal has his enemies. The land tortoise has two enemies, man, and the boa constrictor. The natural defence of the tortoise is to draw himself up in his shell, and to remain quiet. In this state, the tiger, however famished, can do nothing with him, for the shell is too strong for the stroke of his paw. Man, however, takes him home and roasts him—and the boa constrictor swallows him whole, shell and all, and consumes him slowly in the interior, as the Court of Chancery does a great estate.

The danger seems to be much less with snakes and wild beasts, if you conduct yourself like a gentleman, and are not abruptly intrusive. If you will pass on gently, you may walk unhurt within a yard of the Labairi snake, who would put you to death if you rushed upon him. The taguan knocks you down with a blow of his paw, if suddenly interrupted, but will run away, if you will give him time to do so. In short, most animals look upon man as a very ugly customer; and unless sorely pressed for food, or from fear of their own safety, are not fond of attacking him. Mr Waterton, though much given to sentiment, made a Labairi snake bite itself, but no bad consequences ensued,—nor would any bad consequences ensue, if a court-marshal were to order a sinful soldier to give himself a thousand lashes. It is barely possible that the snake had some faint idea whom and what he was biting.

Insects are the curse of tropical climates. The *bête rouge* lays the foundation of a tremendous ulcer. In a moment you are covered with ticks. Chigoes bury themselves in your flesh, and hatch a large colony of young chigoes in a few hours. They will not live together, but every chigoe sets up a separate ulcer, and has his own private portion of pus. Flies get entry into your mouth, into your eyes, into your nose; you eat flies, drink flies, and breathe flies. Lizards, cockroaches, and snakes, get into the bed; ants eat up the books; scorpions sting you on the foot. Every thing bites, stings, or bruises; every second of your existence you are wounded by some piece of animal life that nobody has ever seen before, except Swammerdam and Meriam. An insect with eleven legs is swimming in your teacup, a nondescript with nine wings is struggling in the small beer, or a caterpillar with several dozen eyes in his belly is hastening over the bread and butter! All nature is alive, and seems to be gathering all her entomological hosts to eat you up, as you are standing, out of your coat, waistcoat and breeches. Such are the tropics. All this reconciles us to our dews, fogs, vapours, and drizzle—to our apothecaries rushing about with gargles and tinctures—to our old, British, Constitutional coughs, sore throats, and swelled faces.

We come now to the counterpart of St George and the Dragon. Every one knows that the large snake of tropical climates throws himself upon his prey, twists the folds of his body round the victim, presses him to death, and then eats him. Mr Waterton wanted a large snake for the sake of his skin; and it occurred to him, that the success of this sort of combat depended upon who began first, and that if he could contrive to fling himself upon the snake, he was just as likely to send the snake to the British Museum, as the snake, if allowed the advantage of prior occupation, was to eat him up. The opportunities which Yorkshire squires have of combating with the *hoia strictor*, are so few, that Mr Waterton must be allowed to tell his own story in his own manner.

‘ We went slowly on in silence, without moving our arms or heads, in order to prevent all alarm as much as possible, lest the snake should glide off, or attack us in self-defence. I carried the lance perpendicularly before me, with the point about a foot from the ground. The snake had not moved; and on getting up to him, I struck him with the lance on the near side, just behind the neck, and pinned him to the ground. That moment, the negro next to me seized the lance and held it firm in its place, while I dashed head foremost into the den to grapple with the snake, and to get hold of his tail before he could do any mischief.

* On pinning him to the ground with the lance, he gave a tremendous loud hiss, and the little dog ran away, howling as he went. We had a sharp fray in the den, the rotten sticks flying on all sides, and each party struggling for superiority. I called out to the second negro to throw himself upon me, as I found I was not heavy enough. He did so, and the additional weight was of great service. I had now got firm hold of his tail; and after a violent struggle or two, he gave in, finding himself overpowered. This was the moment to secure him. So, while the first negro continued to hold the lance firm to the ground, and the other was helping me, I contrived to unloose my braces, and with them tied up the snake's mouth.

' The snake, now finding himself in an unpleasant situation, tried to better himself, and set resolutely to work, but we overpowered him. We contrived to make him twist himself round the shaft of the lance, and then prepared to convey him out of the forest. I stood at his head, and held it firm under my arm, one negro supported the belly, and the other the tail. In this order we began to move slowly towards home, and reached it after resting ten times; for the snake was too heavy for us to support him without stopping to recruit our strength. As we proceeded onwards with him, he fought hard for freedom, but it was all in vain.' p. 202-204.

One of these combats we should have thought sufficient for glory, and for the interests of the British Museum. But Hercules killed two snakes, and Mr Waterton would not be content with less.

* There was a path where timber had formerly been dragged along. Here I observed a young Coulacanara, ten feet long, slowly moving onwards; I saw he was not thick enough to break my arm, in case he got twisted round it. There was not a moment to be lost. I laid hold of his tail with the left hand, one knee being on the ground; with the right I took off my hat, and held it as you would hold a shield for defence.

' The snake instantly turned, and came on at me, with his head about a yard from the ground, as if to ask me, what business I had to take liberties with his tail. I let him come, hissing and open-mouthed, within two feet of my face, and then, with all the force I was master of, I drove my fist, shielded by my hat, full in his jaws. He was stunned and confounded by the blow, and ere he could recover himself, I had seized his throat with both hands, in such a position that he could not bite me; I then allowed him to coil himself round my body, and marched off with him as my lawful prize. He pressed me hard, but not alarmingly so.' pp. 206, 207.

When the body of the large snake began to swell, the vultures immediately arrived. The king of the vultures first gorged himself, and then retired to a large tree, while his subjects consumed the remainder. It does not appear that there was any favouritism. When the king was full, all the mob vultures ate alike; neither could Mr Waterton perceive that there was any

division into Catholic and Protestant vultures, or that the majority of the flock thought it essentially vulturish to exclude one third of their numbers from the blood and entrails. The vulture, it is remarkable, never eats live animals. He seems to abhor every thing which has not the relish of putrescence and flavour of death. The following is a characteristic specimen of the little inconveniences to which travellers are liable, who sleep on the feather beds of the forest. To see a rat in a room in Europe insures a night of horror. Every thing is by comparison.

‘ About midnight, as I was lying awake, and in great pain, I heard the Indian say, “ Massa, massa, you no hear Tiger?” I listened attentively, and heard the softly sounding tread of his feet as he approached us. The moon had gone down; but every now and then we could get a glance of him by the light of our fire: he was the Jaguar, for I could see the spots on his body. Had I wished to have fired at him, I was not able to take a sure aim, for I was in such pain that I could not turn myself in my hammock. The Indian would have fired, but I would not allow him to do so, as I wanted to see a little more of our new visitor; for it is not every day or night that the traveller is favoured with an undisturbed sight of the Jaguar in his own forests.

‘ Whenever the fire got low, the Jaguar came a little nearer, and when the Indian renewed it, he retired abruptly; sometimes he would come within twenty yards, and then we had a view of him, sitting on his hind legs like a dog; sometimes he moved slowly to and fro, and at other times we could hear him mend his pace, as if impatient. At last the Indian, not relishing the idea of having such company in the neighbourhood, could contain himself no longer, and set up a most tremendous yell. The Jaguar bounded off like a race-horse, and returned no more; it appeared by the print of his feet the next morning, that he was a full-grown Jaguar.’ pp. 212, 213.

We have seen Mr Waterton fling himself upon a snake; we shall now mount him upon a crocodile, undertaking that this shall be the last of his feats exhibited to the reader. He had baited for a cayman or crocodile, the hook was swallowed, and the object was to pull the animal up and to secure him. ‘ If you pull him up,’ say the Indians, ‘ as soon as he sees you on the brink of the river, he will run at you and destroy you.’ ‘ Never mind,’ says our traveller, ‘ pull away and leave the rest to me.’ And accordingly he places himself upon the shore, with the mast of the canoe in his hand, ready to force it down the throat of the crocodile as soon as he makes his appearance.

‘ By the time the Cayman was within two yards of me, I saw he was in a state of fear and perturbation; I instantly dropped the mast, sprang up, and jumped on his back, turning half round as I vaulted, so that I gained my seat with my face in a right position.

I immediately seized his fore legs, and, by main force, twisted them on his back; thus they served me for a bridle.

He now seemed to have recovered from his surprise, and probably fancying himself in hostile company, he began to plunge furiously, and lashed the sand with his long and powerful tail. I was out of reach of the strokes of it, by being near his head. He continued to plunge and strike, and made my seat very uncomfortable. It must have been a fine sight for an unoccupied spectator.

The people roared out in triumph and were so vociferous, that it was some time before they heard me tell them to pull me and my beast of burden farther in land. I was apprehensive the rope might break, and then there would have been every chance of going down to the regions under water with the Cayman. That would have been more perilous than Arion's marine morning ride:—

“*Delphini insidens, vada cœrula sulcat Arion.*”

The people now dragged us above forty yards on the sand; it was the first and last time I was ever on a Cayman's back. Should it be asked, how I managed to keep my seat, I would answer,—I hunted some years with Lord Darlington's fox hounds.—pp. 231, 232.

The Yorkshire gentlemen have long been famous for their equestrian skill; but Mr Waterton is the first among them of whom it could be said, that he has a fine hand upon a crocodile. This accursed animal so ridden by Mr Waterton, is the scourge and terror of all the large rivers in South America near the line. Their boldness is such, that a cayman has sometimes come out of the Oroonoque at Angustura near the public walks where the people were assembled, seized a full grown man, as big as Sir William Curtis after dinner, and hurried him into the bed of the river for his food. The governor of Angustura witnessed this circumstance himself.

Our Eboracian traveller had now been nearly eleven months in the desert, and not in vain. Shall we express our doubts, or shall we confidently state at once the immense wealth he had acquired?—a prodigious variety of insects, two hundred and thirty birds, ten land-tortoises, five armadilla's, two large serpents, a sloth, an ant-bear, and a cayman. At Liverpool, the customhouse officers, men ignorant of Linnæus, got hold of his collection, detained it six weeks, and, in spite of remonstrances to the Treasury, he was forced to pay very high duties. This is really perfectly absurd; that a man of science cannot bring a pickled armadilla, for a collection of natural history, without paying a tax for it. This surely must have happened in the dark days of Nicolas. We cannot doubt but that such paltry exactions have been swept away by the manly and liberal policy of Robinson and Huskisson. That a great people should com-

pel an individual to make them a payment before he can be permitted to land a stuffed snake upon their shores, is, of all the paltry customhouse robberies we ever heard of, the most mean and contemptible—but *Major rerum ordo nascitur*.

The *fourth* Journey of Mr Waterton is to the United States. It is pleasantly written; but our author does not appear as much at home among men as among beasts. Shooting, stuffing, and pursuing, are his occupations. He is lost in places where there are no bushes, snakes, nor Indians—But he is full of good and amiable feeling wherever he goes. We cannot avoid introducing the following passage.

‘The steam-boat from Quebec to Montreal had above five hundred Irish emigrants on board. They were going, “they hardly knew whither,” far away from dear Ireland: It made one’s heart ache to see them all huddled together, without any expectation of ever revisiting their native soil. We feared that the sorrow of leaving home for ever, the miserable accommodations on board the ship which had brought them away, and the tossing of the angry ocean, in a long and dreary voyage, would have rendered them callous to good behaviour. But it was quite otherwise. They conducted themselves with great propriety. Every American on board seemed to feel for them. And then “they were so full of wretchedness. Need and oppression stared within their eyes. Upon their backs hung ragged misery. The world was not their friend.” Poor dear Ireland, exclaimed an aged female as I was talking to her, I shall never see it any more!’—pp. 259, 260.

And thus it is in every region of the earth! There is no country where an Englishman can set his foot, that he does not meet these miserable victims of English cruelty and oppression—banished from their country by the stupidity, bigotry, and meanness of the English people, who trample on their liberty and conscience, because each man is afraid, in another reign, of being out of favour, and losing his share in the spoil.

We are always glad to see America praised, (slavery excepted). And yet there is still, we fear, a party in this country, who are glad to pay their court to the timid and the feeble, by sneering at this great spectacle of human happiness. We never think of it without considering it as a great lesson to the people of England, to look into their own affairs, to watch and suspect their rulers, and not to be defrauded of happiness and money by pompous names, and false pretences.

‘Our western brother is in possession of a country replete with every thing that can contribute to the happiness and comfort of mankind. His code of laws, purified by experience and common sense, has fully answered the expectations of the public. By acting up to the true spirit of this code, he has reaped immense advantages

from it. His advancement, as a nation, has been rapid beyond all calculation; and, young as he is, it may be remarked, without any impropriety, that he is now actually reading a salutary lesson to the rest of the civilized world. —pp. 278.

Now, what shall we say after all of Mr Waterton? That he has spent a great part of his life in wandering in the wild scenes he describes, and that he describes them with entertaining zeal, and real feeling. His stories draw largely sometimes on our faith; but a man who lives in the woods of Cayenne, must do many odd things, and see many odd things — things utterly unknown to the dwellers in Hackney and Highgate. We do not want to rein up Mr Waterton too tightly, — because we are convinced he goes best with his head free. But a little less of apostrophe, and some faint suspicion of his own powers of humour, would improve this gentleman's style. As it is, he has a considerable talent at describing. He abounds with good feeling; and has written a very entertaining book, which hurries the reader out his European parlour, into the heart of tropical forests, and gives, over the rules and the cultivation of the civilized parts of the earth, a momentary superiority to the freedom of the savage, and the wild beauties of Nature. We honestly recommend the book to our readers; it is well worth the perusal.

ART. III. *Thoughts on the Advancement of Academical Education in England.* 1826.

Few things have ever appeared to us more inexplicable than the cry which it has pleased those who arrogate to themselves the exclusive praise of loyalty and orthodoxy, to raise against the projected University of London. In most of those publications which are distinguished by zeal for the Church and the Government, the scheme is never mentioned but with affected contempt, or unaffected fury. The Academic pulpits have resounded with invectives against it; and many even of the most liberal and enlightened members of the old foundations seem to contemplate it with very uncomfortable feelings.

We were startled at this. For surely no undertaking of equal importance was ever commenced in a manner more pacific and conciliatory. If the management has fallen, in a great measure, into the hands of persons whose political opinions are at variance with those of the dominant party, this was not the cause, but the effect of the jealousy which that party thought fit to entertain. Oxford and Cambridge, to all appearance,

had nothing to dread. Hostilities were not declared. Even rivalry was disclaimed. The new Institution did not aspire to participate in the privileges which had been so long monopolized by those ancient corporations. It asked for no franchises, no lands, no advowsons. It did not interfere with that mysterious scale of degrees on which good churchmen look with as much veneration as the Patriarch on the ladder up which he saw angels ascending. It did not ask permission to search houses without warrants, or to take books from publishers without paying for them. There was to be no melodramatic pageantry, no ancient ceremonial, no silver mace, no gowns either black or red, no hoods either of fur or of satin, no public orator to make speeches which nobody hears, no oaths sworn only to be broken. Nobody thought of emulating the cloisters, the organs, the painted glass, the withered mummies, the busts of great men, and the pictures of naked women, which attract visitors from every part of the Island to the banks of Isis and Cam. The persons whose advantage was chiefly in view belonged to a class of which very few ever find their way to the old colleges. The name of University was indeed assumed; and it has been said that this gave offence. But we are confident that so ridiculous an objection can have been entertained by very few. It reminds us of the whimsical cruelty with which Mercury, in Plautus, knocks down poor Sosia for being so impudent as to have the same name with himself!

We know indeed that there are many to whom knowledge is hateful for its own sake,—owl-like beings, creatures of darkness, and rapine, and evil omen, who are sensible that their organs fit them only for the night,—and that, as soon as the day arises, they shall be pecked back to their nooks by those on whom they now prey with impunity. By the arts of those enemies of mankind, a large and influential party has been led to look with suspicion, if not with horror, on all schemes of education, and to doubt whether the ignorance of the people be not the best security for its virtue and repose.

We will not at present attack the principles of these persons, because we think that, even on those principles, they are bound to support the London University. If indeed it were possible to bring back, in all their ancient loveliness, the times of venerable absurdities and good old nuisances—if we could hope that gentlemen might again put their marks to deeds without blushing—that it might again be thought a miracle if any body in a parish could read, except the Vicar, or if the Vicar were to read any thing but the Service,—that all the li-

terature of the multitude might again be comprised in a ballad or a prayer,—that the Bishop of Norwich might be burned for a heretic, and Sir Humphry Davy hanged for a conjuror,—that the Chancellor of the Exchequer might negotiate loans with Mr Rothschild, by extracting one of his teeth daily till he brought him to terms,—then indeed the case would be different. But, alas! who can venture to anticipate such a millennium of stupidity? The zealots of ignorance will therefore do well to consider, whether, since the evils of knowledge cannot be altogether excluded, it may not be desirable to set them in array against each other. The best state of things, we will concede to them, would be that in which all men should be dunces together. That might be called the age of gold. The silver age would be that in which no man should be taught to spell, unless he could produce letters of ordination, or, like a candidate for a German order of knighthood, prove his sixty-four quarters. Next in the scale would stand a community in which the higher and middling orders should be well educated, and the labouring people utterly uninformed. But the iron age would be that in which the lower classes should be rising in intelligence, while no corresponding improvement was taking place in the rank immediately above them.

England is in the last of these states. From one end of the country to the other the artisans, the draymen, the very plough-boys, are learning to read and write. Thousands of them attend lectures. Hundreds of thousands read newspapers. Whether this be a blessing or a curse, we are not now inquiring. But such is the fact. Education is spreading amongst the working people, and cannot be prevented from spreading amongst them. The change which has taken place in this respect within twenty years is prodigious. No person surely, will venture to say that information has increased in the same degree amongst those who constitute what may be called the lower part of the middling class,—farmers for instance, shoopkeepers, or clerks in commercial houses.

If there be any truth in the principles held by the enemies of education, this is the most dangerous state in which a country can be placed. They maintain that knowledge renders the poor arrogant and discontented. It will hardly be disputed, we presume, that arrogance is the result, not of the absolute situation in which a man may be placed, but of the relation in which he stands to others. Where a whole society is equably rising in intelligence; where the distance between its different orders remains the same, though every order advances, that feeling is not like'y to be excited. An individual is no more vain of his

knowledge, because he participates in the universal improvement, than he is vain of his speed, because he is flying along with the earth and every thing upon it, at the rate of seventy thousand miles an hour. But if he feels that *he* is going forward, while those before him are standing still, the case is altered. If ever the diffusion of knowledge can be attended with the danger of which we hear so much, it is in England at the present moment. And this danger can be obviated in two ways only. Unteach the poor,—or teach those who may, by comparison, be called the rich. The former it is plainly impossible to do: And therefore, if those whom we are addressing be consistent, they will exert themselves to do the latter; and, by increasing the knowledge, increase also the power of an extensive and important class,—a class which is as deeply interested as the peerage or the hierarchy in the prosperity and tranquillity of the country; a class which, while it is too numerous to be corrupted by government, is too intelligent to be duped by demagogues, and which, though naturally hostile to oppression and profusion, is not likely to carry its zeal for reform to lengths inconsistent with the security of property and the maintenance of social order.

‘But an University without religion!’ softly expostulates the Quarterly Review.—‘An University without religion!’ roars John Bull, wedging in his pious horror between a slander and a double-entendre. And from pulpits and visitation-dinners and combination-rooms innumerable, the cry is echoed and re-echoed, ‘An University without religion!’

This objection has really imposed on many excellent people, who have not adverted to the immense difference which exists between the new Institution and those foundations of which the members form a sort of family, living under the same roof, governed by the same regulations, compelled to eat at the same table, and to return to their apartments at the same hours. Have none of those who censure the London University on this account, daughters who are educated at home, and who are attended by different teachers? The music-master, a good Protestant, comes at twelve; the dancing-master, a French philosopher, at two; the Italian master, a believer in the blood of Saint Januarius, at three. The parents take upon themselves the office of instructing their child in religion. She hears the preachers whom they prefer, and reads the theological works which they put into her hands. Who can deny that this is the case in innumerable families? Who can point out any material difference between the situation in which this girl is placed, and that of a pupil at the new University? Why then is so crying at abuse suffered to exist without reprehension? Is there no Sacheverell to raise the old cry,—the Church is in danger,—

that cry which was never uttered by any voice however noble, or for any end however base, without being instantly caught up and repeated through all the dark and loathsome nooks where bigotry nestles with corruption? Where is the charge of the Bishop and the sermon of the Chaplain, the tear of the Chancellor and the oath of the Heir-apparent, the speech of Mr William Bankes and the pamphlet of Sir Harcourt Lee? What means the silence of those filthy and malignant baboons, whose favourite diversion is to grin and sputter at innocence and beauty through the grates of their spunging-houses? Why not attempt to blast the reputation of the poor ladies who are so irreligiously brought up? Why not search into all the secrets of their families? Why not enliven the Sunday breakfast-tables of priests and placemen with the elopements of their great-aunts and the bankruptcies of their second cousins?

Or, to make the parallel still clearer, take the case of a young man, a student, we will suppose, of surgery, resident in London. He wishes to become master of his profession, without neglecting other useful branches of knowledge. In the morning he attends Mr M'Culloch's lecture on Political Economy. He then repairs to the Hospital, and hears Sir Astley Cooper explain the mode of reducing fractures. In the afternoon he joins one of the classes which Mr Hamilton instructs in French or German. With regard to religious observances, he acts as he himself, or those under whose care he is, may think most advisable. Is there any thing objectionable in this? Is it not the most common case in the world? And in what does it differ from that of a young man at the London University? Our surgeon, it is true, will have to run over half London in search of his instructors; and the other will find all the lecture-rooms which he attends standing conveniently together, at the end of Gower Street. Is it in the local situation that the mischief lies? We have observed that, since Mr Croker, in the last session of Parliament, declared himself ignorant of the site of Russell Square, the plan of forming an University in so inelegant a neighbourhood has excited much contempt amongst those estimable persons who think that the whole dignity of man consists in living within certain districts, wearing coats made by certain tailors, and eschewing certain meats and drinks. We should be sorry to think that the reports which any lying Mandeville from Bond Street may have circulated respecting that Terra Incognita, could seriously prejudice the new College. The Secretary of the Admiralty, however, has the remedy in his own hands. When Captain Franklin returns, as we trust he soon will, from his American expedition, he will, we hope, be sent to explore

that other North-West passage which connects the city with the Regent's Park. It would then be found, that, though the natives generally belong to the same race with those Oriental barbarians whose irruptions have long been the terror of Hamilton Place and Grosvenor Square, they are, upon the whole, quiet and inoffensive; that, though they possess no architectural monument which can be compared to the Pavilion at Brighton, their habitations are neat and commodious; and that their language has many roots in common with that which is spoken in St James's Street. One thing more we must mention, which will astonish some of our readers, as much as the discovery of the Syrian Christians of St Thomas on the coast of Malabar. Our religion has been introduced by some Xavier or Augustin of former times into these tracts. Churches, with all their appurtenances of hassocks and organs, are to be found there; and even the tithe, that great *articulum stantis aut labantis ecclesiae*, is by no means unknown.

The writer of the article on this subject in the last Number of the Quarterly Review, severely censures the omission of religious instruction, in a place styling itself an University,—never perceiving that, with the inconsistency which belongs to error, he has already answered the objection. 'A place of education,' says he, 'is the least of all proper to be made the arena of disputable and untried doctrine.' He severely censures those academies in which 'a perpetual vacillation of doctrine is observable, whether in morals, metaphysics, or religion, according to the frequency of change in the professional chair.' Now, we venture to say, that these considerations, if they are worth anything at all, are decisive against any scheme of religious instruction in the London University. That University was intended to admit not only Christians of all persuasions, but even Jews. But suppose that it were to narrow its limits, to adopt the formularies of the Church of England, to require subscription, or the sacramental test, from every professor and from every pupil; still, we say, there would be more field for controversy, more danger of that vacillation of doctrine which seems to the Reviewer to be so great an evil, on subjects of theology, than on all other subjects together. Take a science which is still young, a science of considerable intricacy, a science, we may add, which the passions and interests of men have rendered more intricate than it is in its own nature, the science of Political Economy. Who will deny, that, for one schism which is to be found among those who are engaged in that study, there are twenty on points of divinity, *within the Church of England?*

Is it not notorious that Arminians, who stand on the very

frontier of Pelagianism, and Calvinists, whom a line scarcely discernible separates from Antinomianism, are to be found among those who eat the bread of the Establishment? Is it not notorious that predestination, final perseverance, the operation of grace, the efficacy of the sacraments, and a hundred other subjects which we could name, have been themes of violent disputes between eminent churchmen? The ethics of Christianity, as well as its theory, have been the theme of dispute. One party calls the other latitudinarian and worldly. The other retorts accusations of fanaticism and asceticism. The curate has been set against the rector, the dean against the bishop. There is scarcely a parish in England, into which the controversy has not found its way. There is scarcely an action of human life so trivial and familiar as not to be in some way or other affected by it. Whether it is proper to take in a Sunday newspaper, to shoot a partridge, to course a hare, to subscribe to a Bible Society, to dance, to play at whist, to read Tom Jones, to see Othello,—all these are questions on which the strongest difference of opinion exists between persons of high eminence in the hierarchy. The Quarterly Reviewer thinks it a very bad thing, that ‘the first object of a new professor should be to refute the ‘fundamental positions of his predecessors.’ What would be the case if a High Churchman should succeed a Low Churchman, or a Low Churchman a High Churchman, in the chair of religion? And what possible security could the London University have against such an event? What security have Oxford or Cambridge now? In fact, all that we know of the state of religious parties at those places, fully bears out our statement. One of the most famous divines of our time, Dr Marsh, Bishop of Peterborough, Margaret Professor of Zoology at Cambridge, and author of eighty-seven of the most answerable questions that ever man propounded to his fellow men, published a very singular hypothesis respecting the origin of the Gospels. With the truth or falsehood of the hypothesis we have nothing to do. We have, however, heard another eminent Professor of the same University, high in the Church, condemn the theory as utterly unfounded, and of most dangerous consequence to the orthodox faith. Nay, the very pulpit of Saint Mary’s has been ‘the arena of disputable and untried doctrine,’ as much as ever was the chair of any Scotch or German professor,—a fact, of which any person may easily satisfy himself, who will take the trouble to rescue from the hands of trunk-makers and pastry-cooks, a few of the sermons which have been preached there, and subsequently published. And if, in the course of his researches, he should happen to light on that which was preached by a very eminent scholar on a very remarkable occasion, the

installation of the Duke Gloucester, will see, that not only dispute, but something very like abuse, may take place between those whose office it is to instruct our young collegians in the doctrines and duties of Christianity.

‘But,’ it is said, ‘would it not be shocking to expose the morals of young men to the contaminating influence of a great city, to all the fascinations of the Fives’ Court and the gaming table, the tavern and the saloon?’ Shocking, indeed, we grant, if it were possible to send them all to Oxford and Cambridge, those blessed spots where, to use the imagery of their own prize-poems, the Saturnian age still lingers, and where white-robed Innocence has left the print of her departing footsteps. There, we know, all the men are philosophers, and all the women vestals. There, simple and bloodless repasts support the body without distressing the mind. There, while the sluggish world is still sleeping, the ingenuous youth hasten to pour forth their fervent orisons in the chapel; and in the evening, elsewhere the season of riot and license, indulge themselves with a solitary walk beneath the venerable avenues, musing on the vanity of sensual pursuits, and the eternity and sublimity of virtue. But, alas! these blissful abodes of the Seven Cardinal Virtues are neither large enough nor cheap enough for those who stand in need of instruction. Many thousands of young men will live in London, whether an University be established there or not,—and that for this simple reason, that they cannot afford to live elsewhere. That they should be condemned to one misfortune because they labour under another, and debarred from knowledge because they are surrounded with temptations to vice, seems to be not a very rational or humane mode of proceeding.

To speak seriously, in comparing the dangers to which the morals of young men are exposed in London, with those which exist at the Universities, there is something to be said on both sides. The temptations of London may be greater. But with the temptation there is a way to escape. If the student live with his family, he will be under the influence of restraints more powerful, and, we will add, infinitely more salutary and respectable, than those which the best disciplined colleges can impose. Even if he be left completely to his own devices, he will still have within his reach two inestimable advantages, from which the students of Oxford and Cambridge are almost wholly excluded, the society of men older than himself, and of modest women.

There are no intimacies more valuable than those which a young man forms with one who is his senior by ten or twelve years. Those years do not destroy the sympathy and the

sense of equality without which no cordiality can exist. Yet they strengthen the principles, and form the judgment. They make one of the parties a sensible adviser, and the other, a docile listener. Such friendships it is almost impossible to form at College. Between the man of twenty and the man of thirty there is a great gulf, a distinction which cannot be mistaken, which is marked by the dress and by the seat, at prayers and at table. We do not believe that, of the young students at our ancient seats of learning, one in ten lives in confidence and familiarity with any member of the University who is a Master of Arts. When the members of the University are deducted, the society of Oxford and Cambridge is no more than that of an ordinary county town.

This state of things, it is clear, does more harm than all the exertions of Proctors and Proproctors can do good. The errors of young men are of a nature with which it is very difficult to deal. Slight punishments are inefficient; severe punishments generally and justly odious. The best course is to give them over to the arm of public opinion. To restrain them, it is necessary to make them discreditable. But how can they be made discreditable while the offenders associate only with those who are of the same age, who are exposed to the same temptations, and who are willing to grant the indulgence which they themselves may need? It is utterly impossible that a code of morality and honour, enacted by the young only, can be so severe against juvenile irregularities as that which is in force in general society, where manhood and age have the deciding voice, and where the partial inclinations of those whose passions are strong, and whose reason is weak, are withstood by those whom time and domestic life have sobered. The difference resembles that which would be found between laws passed by an assembly consisting solely of farmers, or solely of weavers, and those of a senate fairly representing every interest of the community.

A student in London, even though he may not live with his own relatives, will generally have it in his power to mix with respectable female society. This is not only a very pleasant thing, but it is one which, though it may not make him moral, is likely to make him decorous, and to preserve him from that brainless and heartless Yahooism, that disdain of the character of women, and that brutal indifference to their misery, which is the worst offence, and the severest punishment of the finished libertine. Many of the pupils will, in all probability, continue to reside with their parents or friends. We own that we can conceive no situation more agreeable or more salutary. One of the worst effects of College habits is that distaste for domestic

life which they almost inevitably generate. The system is monastic; and it tends to produce the monastic selfishness, inattention to the convenience of others, and impatience of petty privations. We mean no reproach. It is utterly impossible that the most amiable man in the world can be accustomed to live for years independent of his neighbours, and to lay all his plans with a view only to himself, without becoming, in some degree, unfitted for a family. A course of education which should combine the enjoyments of a home with the excitements of a University, would be more likely than any other to form characters at once affectionate and manly. Home-bred boys, it is often said, are idle. The cause, we suspect, is the want of competitors. We no more believe that a young man at the London University would be made idle by the society of his mothers and sisters, than that the old German warriors, or the combatants in the tournaments of the middle ages, were made cowards by the presence of female spectators. On the contrary, we are convinced that his ambition would be at once animated and consecrated by daily intercourse with those who would be dearest to him, and most inclined to rejoice in his success.

The eulogists of the old Universities are fond of dwelling on the glorious associations connected with them. It has often been said that the young scholar is likely to catch a generous enthusiasm from looking upon spots ennobled by so many great names—that he can scarcely see the chair in which Bentley sat, the tree which Milton planted, the walls within which Wickliffe presided, the books illustrated by the autographs of famous men, the halls hung with their pictures, the chapels hallowed by their tombs, without aspiring to imitate those whom he admires. Far be it from us to speak with disrespect of such feelings. It is possible that the memorials of those who have asserted the freedom, and extended the empire of the mind, may produce a strong impression on a sensitive and ardent disposition. But these instances are rare. ‘*Coram Lepidis male vivitur.*’ Young academicians venture to get drunk within a few yards of the grave of Newton, and to commit solecisms, though the awful eye of Erasmus frowns upon them from the canvas. Some more homely sentiment, some more obvious association is necessary. For our part, when a young man is to be urged to persevering industry, and fortified against the seductions of pleasure, we would rather send him to the fireside of his own family, than to the abodes of philosophers who died centuries ago,—and to those kind familiar faces which

are always anxious in his anxiety, and joyful in his success, than to the portrait of any writer that ever wore cap and gown.

The cry against the London University has been swelled by the voices of many really conscientious persons. Many have joined in it from the mere wanton love of mischief. But we believe that it has principally originated in the jealousy of those who are attached to Cambridge and Oxford, either by their interests, or by those feelings which men naturally entertain towards the place of their education, and which, when they do not interfere with schemes of public advantage, are entitled to respect. Many of these persons, we suspect, entertain a vague apprehension, scarcely avowed even to themselves, that some defects in the constitution of their favourite Academies will be rendered more glaring by the contrast which the system of this new College will exhibit.

That there are such defects, great and radical defects in the structure of the two Universities, we are strongly inclined to believe: and the jealousy which many of their members have expressed of the new Institution greatly strengthens our opinion. What those defects appear to us to be, we shall attempt to state with frankness, but, at the same time, we trust, with candour.

We are sensible that we have undertaken a dangerous task. There is perhaps no subject on which more people have made up their minds without knowing why. Whenever this is the case, discussion ends in scurrility, the last resource of the disputant who cannot answer, and who will not submit. The scurrility of those who are scurrilous on all occasions, and against all opponents, by nature and by habit, by taste and by trade, can excite only the mirth or the pity of a well regulated mind. But we neither possess, nor affect to possess, that degree of philosophy, which would render us indifferent to the pain and resentment of sincere and respectable persons, whose prejudices we are compelled to assail. It is not in the bitterness of party spirit, it is not in the wantonness of paradox and declamation, that we would put to hazard the good will of learned and estimable men. Such a sacrifice must be powerful, and nothing but a sense of public duty would lead us to make it. We would earnestly entreat the admirers of the two Universities to reflect on the importance of this subject, the advantages of calm investigation, and the folly of trusting, in an age like the present, to mere dogmatism and invective. If the system which they love and venerate rest upon just principles, the examination which we propose to institute, into the state of its foundations, can only serve to prove their solidity. If they be unsound, we will not permit ourselves to think, that intelligent and ho-

nourable men can wish to disguise a fact which, for the sake of this country, and of the whole human race, ought to be widely known. Let them, instead of reiterating assertions which leave the question exactly where they found it; instead of turning away from all argument, as if the subject were one on which doubt partook of the nature of sin; instead of attributing to selfishness or malevolence, that which may at worst be harmless error, join us in coolly studying so interesting and momentous a point.—As to this, however, they will please themselves. We speak to the English people. The public mind, if we are not deceived, is approaching to manhood. It has outgrown its swaddling bands, and thrown away its play-things. It can no longer be amused by a rattle, or laid asleep by a song, or awed by a fairy tale. At such a time, we cannot doubt that we shall obtain an impartial hearing.

Our objections to Oxford and Cambridge may be summed up in two words, their Wealth and their Privileges. Their prosperity does not depend on the public approbation. It would therefore be strange if they deserved the public approbation. Their revenues are immense. Their degrees are, in some professions, indispensable. Like manufacturers who enjoy a monopoly, they work at such an advantage, that they can venture to work ill.

Every person, we presume, will acknowledge that, to establish an academic system on immutable principles, would be the height of absurdity. Every year sees the empire of science enlarged by the acquisition of some new province, or improved by the construction of some easier road. Surely the change which daily takes place in the state of knowledge, ought to be accompanied by a corresponding change in the method of instruction. In many cases the rude and imperfect works of early speculators ought to give place to the more complete and luminous performances of those who succeed them. Even the comparative value of languages is subject to great fluctuations. The same tongue which at one period may be richer than any other in valuable works, may, some centuries after, be poorer than any. That, while such revolutions takes place, education ought to remain unchanged, is a proposition too absurd to be maintained for a moment.

If it be desirable that education should, by a gradual and constant change, adopt itself to the circumstances of every generation, how is this object to be secured? We answer—only by perfect freedom of competition. Under such a system, every possible exigence would be met. Whatever language, what-

over art, whatever science, it might at any time be useful to know, that men would surely learn, and would as surely find instructors to teach. The professor who should persist in devoting his attention to branches of knowledge which had become useless, would soon be deserted by his pupils. There would be as much of every sort of information as would afford profit and pleasure to the possessor—and no more.

But the riches and the franchises of our Universities prevent this salutary rivalry from taking place. In its stead is introduced an unnatural system of premiums, prohibitions, and apprenticeships. Enormous bounties are lavished on particular acquirements; and, in consequence, there is among our youth a glut of Greek, Latin, and Mathematics, and a lamentable scarcity of every thing else.

We are by no means inclined to depreciate the studies which are encouraged at Oxford and Cambridge. We should reprobate with the same severity a system under which a like exclusive protection should be extended to French or Spanish, Chemistry or Mineralogy, Metaphysics or Political Economy. Some of these branches of knowledge are very important. But they may not always be equally important. Five hundred years hence, the Burmese language may contain the most valuable books in the world. Sciences, for which there is now no name, and of which the first rudiments are still undiscovered, may then be in the greatest demand. Our objection is to the principle. We abhor intellectual perpetuities. A chartered and endowed College, strong in its wealth and in its degrees, does not find it necessary to teach what is useful, because it can pay men to learn what is useless. Every fashion which was in vogue at the time of its foundation, enters into its constitution and partakes of its immortality. Its abuses savour of the realty, and its prejudices vest in mortmain, with its lands. In the present instance, the consequences are notorious. We every day see clever men of four and five-and-twenty, loaded with academical honours and rewards,—scholarships, fellowships, whole cabinets of medals, whole shelves of prize books,—enter into life with their education still to begin, unacquainted with the history, the literature, we might almost say, the language of their country, unacquainted with the first principles of the laws under which they live, unacquainted with the very rudiments of moral and political science! Who will deny that this is the state of things? Or who will venture to defend it?

This is no new complaint. Long before society had so far outstripped the Colleges in the career of improvement as it has since done, the evil was noticed and traced to its true cause, by that

great philosopher who most accurately mapped all the regions of science, and furnished the human intellect with its most complete Itinerary. 'It is not to be forgotten,' says Lord Bacon, 'that the dedicating of foundations and donations to professorial learning, hath not only had a malign influence upon the growth of sciences, but hath also been prejudicial to states and governments: For hence it proceedeth, that princes find a solitude in respect of able men to serve them in causes of state, *because there is no education collegiate which is FREE*, where such as were so disposed might give themselves to histories, modern languages, books of policy and civil discourse, and other like enablements unto causes of state.'* The warmest admirers of the present system will hardly deny, that, if this was an evil in the sixteenth century, it must be a much greater evil in the nineteenth. The literature of Greece and Rome is now what it was then. That of every modern language has received considerable accessions. And surely, 'books of policy and civil discourse' are as important to an English gentleman of the present day, as they could be to a subject of James the First.

We repeat, that we are not disparaging either the dead languages or the exact sciences. We only say, that if they are useful they will not need peculiar encouragement, and that, if they are useless, they ought not to receive it. Those who maintain that the present system is necessary to promote the study of classical and mathematical knowledge, are the persons who really depreciate those pursuits. They do in fact declare, by implication, that neither amusement nor profit is to be derived from them, and that no man has any motive to employ his time upon them, unless he expects that they may help him to a fellowship.

The utility of mathematical knowledge is felt in every part of the system of life, and acknowledged by every rational man. But does it therefore follow, that people ought to be paid to acquire it. A scarcity of persons capable of making almanacks and measuring land, is as little to be apprehended as a scarcity of blacksmiths. In fact, very few of our academical mathematicians turn their knowledge to such practical purposes. There are many wranglers who have never touched a quadrant. What peculiar title then has the mere speculative knowledge of mathematical truth to such costly remuneration? The answer is well known. It makes men good reasoners: it habituates them to strict accuracy in drawing inferences. In this statement there is unquestionably some truth. A man who

* Advancement of Learning, Book II.

understands the nature of mathematical reasoning, the closest of all kinds of reasoning, is likely to reason better than another, on points not mathematical, as a man who can dance generally walks better than a man who cannot. But no people walk so ill as dancing-masters; and no people reason so ill as mere mathematicians. They are accustomed to look only for one species of evidence; a species of evidence of which the transactions of life do not admit. When they come from certainties to probabilities, from a syllogism to a witness, their superiority is at an end. They resemble a man who, never having seen any object which was not either black or white, should be required to discriminate between two near shades of grey. Hence, on questions of religion, policy, or common life, we perpetually see these boasted demonstrators either extravagantly credulous, or extravagantly sceptical. That the science is a necessary ingredient in a liberal education, we admit. But it is only an ingredient, and an ingredient which is peculiarly dangerous, unless diluted by a large admixture of others. To encourage it by such rewards as are bestowed at Cambridge, is to make the occasional tonic of the mind its morning and evening nutriment.

The partisans of classical literature are both more numerous and more enthusiastic than the mathematicians; and the ignorant violence with which their cause has sometimes been assailed, has added to its popularity. On this subject we are sure that we are at least impartial judges. We feel the warmest admiration for the great remains of antiquity. We gratefully acknowledge the benefits which mankind has owed to them. But we would no more suffer a pernicious system to be protected by the reverence which is due to them, than we would show our reverence for a saint by erecting his shrine into a sanctuary for criminals.

An eloquent scholar has said, that ancient literature was the ark in which all the civilization of the world was preserved during the deluge of barbarism. We confess it. But we do not read that Noah thought himself bound to live in the ark after the deluge had subsided. When our ancestors first began to consider the study of the classics as the principal part of education, little or nothing worth reading was to be found in any modern language. Circumstances have confessedly changed. Is it not possible that a change of system may be desirable?

Our opinion of the Latin tongue will, we fear, be considered heretical. We cannot but think that its vocabulary is miserably poor, and its mechanism deficient both in power and precision. The want of a definite article, and of a distinction between the preterite and the aorist tenses, are two defects which

are alone sufficient to place it below any other language with which we are acquainted. In its most flourishing era it was reproached with poverty of expression. Cicero, indeed, was induced, by his patriotic feelings, to deny the charge. But the perpetual recurrence of Greek words in his most hurried and familiar letters, and the frequent use which he is compelled to make of them, in spite of all his exertions to avoid them, in his philosophical works, fully prove that even this great master of the Latin tongue felt the evil which he laboured to conceal from others.

We do not think much better of the writers, as a body, than of the language. The literature of Rome was born old. All the signs of decrepitude were on it in the cradle. We look in vain for the sweet lisp and the graceful wildness of an infant dialect. We look in vain for a single great creative mind,—for a Homer or a Dante, a Shakespeare or a Cervantes. In their place we have a crowd of fourth-rate and fifth-rate authors, translators, and imitators without end. The rich heritage of Grecian philosophy and poetry was fatal to the Romans. They would have acquired more wealth, if they had succeeded to less. Instead of accumulating fresh intellectual treasures, they contented themselves with enjoying, disposing in new forms, or impairing by an injudicious management, those which they took by descent. Hence, in most of their works, there is scarcely any thing spontaneous and racy, scarcely any originality in the thoughts, scarcely any idiom in the style. Their poetry tastes of the hot-house. It is transplanted from Greece, with the earth of Pindus clinging round its roots. It is nursed in careful seclusion from the Italian air. The gardeners are often skilful; but the fruit is almost always sickly. One hardy and prickly shrub, of genuine Latin growth, must indeed be excepted. *Satire* was the only indigenous produce of Roman talent; and, in our judgment, by far the best.

We are often told the Latin language is more strictly grammatical than the English; and that it is, therefore, necessary to study it, in order to speak English with elegance and accuracy. This is one of those remarks, which are repeated till they pass into axioms, only because they have so little meaning, that no body thinks it worth while to refute them at their first appearance. If those who say that the Latin language is more strictly grammatical than the English, mean only that it is more regular, that there are fewer exceptions to its general laws of derivation, inflection, and construction, we grant it. This is, at least for the purposes of the orator and the poet, rather a defect than a merit; but be it merit or defect, it can in no possible

way facilitate the acquisition of any other language. It would be about as reasonable to say, that the simplicity of the Code Napoleon renders the study of the laws of England easier than formerly. If it be meant, that the Latin language is formed in more strict accordance with the general principles of grammar than the English, that is to say, that the relations which words bear to each other are more strictly analogous to the relations between the ideas which they represent in Latin than in English, we venture to doubt the fact. We are quite sure, that not one in ten thousand of those who repeat the hackneyed remark on which we are commenting, have ever considered whether there be any principles of grammar whatever, anterior to positive enactment,—any solecism which is a *malum in se*, as distinct from a *malum prohibitum*. Or, if we suppose that there exist such principles, is not the circumstance, that a particular rule is found in one language and not in another, a sufficient proof that it is not one of those principles? That a man who knows Latin is likely to know English better than one who does not, we do not dispute. But this advantage is not peculiar to the study of Latin. Every language throws light on every other. There is not a single foreign tongue which will not suggest to a man of sense some new considerations respecting his own. We acknowledge, too, that the great body of our educated countrymen learn to grammaticise their English by means of their Latin. This however, proves, not the usefulness of their Latin, but the folly of their other instructors. Instead of being a vindication of the present system of education, it is a high charge against it. A man who thinks the knowledge of Latin essential to the purity of English diction, either has never conversed with an accomplished woman, or does not deserve to have conversed with her. We are sure, that all persons who are in the habit of hearing public speaking must have observed, that the orators who are fondest of quoting Latin, are by no means the most scrupulous about marring their native tongue. We could mention several Members of Parliament, who never fail to usher in their scraps of Horace and Juvenal with half a dozen false concords.

The Latin language is principally valuable as an introduction to the Greek, the insignificant portico of a most chaste and majestic fabric. On this subject, our Confession of Faith will, we trust, be approved by the most orthodox scholar. We cannot refuse our admiration to that most wonderful and perfect machine of human thought, to the flexibility, the harmony, the gigantic power, the exquisite delicacy, the infinite wealth of words, the incomparable felicity of expression, in which are united the

energy of the English, the neatness of the French, the sweet and infantine simplicity of the Tuscan. Of all dialects, it is the best fitted for the purposes both of science and of elegant literature. The philosophical vocabularies of ancient Rome, and of modern Europe, have been derived from that of Athens. Yet none of the imitations has ever approached the richness and precision of the original. It traces with ease distinctions so subtle, as to be lost in every other language. It draws lines where all the other instruments of the reason only make blots. Nor is it less distinguished by the facilities which it affords to the poet. There are pages even in the Greek Dictionaries over which it is impossible to glance without delight. Every word suggests some pleasant or striking image, which, wholly unconnected as it is with that which precedes or that which follows, gives the same sort of pleasure with that which we derive from reading the *Adonais* of poor Shelley, or from looking at those elegant, though unmeaning friezes, in which the eye wanders along a line of beautiful faces, graceful draperies, stags, chariots, altars, and garlands. The literature is not unworthy of the language. It may boast of four poets of the very first order, Homer, *Æschylus*, Sophocles, and Aristophanes,—of Demosthenes, the greatest of orators—of Aristotle, who is perhaps entitled to the same rank among philosophers, and of Plato, who, if not the most satisfactory of philosophers, is at least the most fascinating. These are the great names of Greece; and to these is to be added a long list of ingenious moralists, wits, and rhetoricians, of poets who, in the lower departments of their art, deserve the greatest praise, and of historians who, at least in the talent of narration, have never been equalled.

It was justly said by the Emperor Charles the Fifth, that to learn a new language was to acquire a new soul. He who is acquainted only with the writers of his native tongue, is in perpetual danger of confounding what is accidental with what is essential, and of supposing that tastes and habits of thought, which belong only to his own age and country, are inseparable from the nature of man. Initiated into foreign literature, he finds that principles of politics and morals, directly contrary to those which he has hitherto supposed to be unquestionable, because he never heard them questioned, have been held by large and enlightened communities; that feelings, which are so universal among his contemporaries, that he had supposed them instinctive, have been unknown to whole generations; that images, which have never failed to excite the ridicule of those among whom he has lived, have been thought sublime by millions. He thus loses that Chinese cast of mind, that stupid

contempt for every thing beyond the wall of his celestial empire, which was the effect of his former ignorance. New associations take place among his ideas. He doubts where he formerly dogmatised. He tolerates where he formerly execrated. He ceases to confound that which is universal and eternal in human passions and opinions with that which is local and temporary. This is one of the most useful effects which results from studying the literature of other countries; and it is one which the remains of Greece, composed at a remote period, and in a state of society widely different from our own, are peculiarly calculated to produce.

But though we are sensible that great advantages may be derived from the study of the Greek language, we think that they may be purchased at too high a price: And we think that seven or eight years of the life of a man who is to enter into active life at two or three-and-twenty, is too high a price. Those are bad economists who look only to the excellence of the article for which they are bargaining, and never ask about the cost. The cost, in the present instance, is too often the whole of that invaluable portion of time during which a fund of intellectual pleasure is to be stored up, and the foundations of wisdom and usefulness laid. No person doubts that much knowledge may be obtained from the Classics. It is equally certain that much gold may be found in Spain. But it by no means necessarily follows, that it is wise to work the Spanish mines, or to learn the ancient languages. Before the voyage of Columbus, Spain supplied all Europe with the precious metals. The discovery of America changed the state of things. New mines were found, from which gold could be procured in greater plenty, and with less labour. The old works were therefore abandoned—it being manifest, those who persisted in laying out capital on them would be undersold and ruined. A new world of literature and science has also been discovered. New veins of intellectual wealth have been laid open. But a monstrous system of bounties and prohibitions compels us still to go on delving for a few glittering grains in the dark and laborious shaft of antiquity, instead of penetrating a district which would reward a less painful search with a more lucrative return. If, after the conquest of Peru, Spain had enacted that, in order to enable the old mines to maintain a competition against the new, a hundred pistoles should be given to every person who should extract an ounce of gold from them, the parallel would be complete.

We will admit that the Greek language is a more valuable language than the French, the Italian, or the Spanish. But

whether it be more valuable than all the three together, may be doubted; and that all the three may be acquired in less than half the time in which it is possible to become thoroughly acquainted with the Greek, admits of no doubt at all. Nor does the evil end here. Not only do the modern authors of the Continent receive less attention than they deserve, but our own tongue, second to that of Greece alone in force and copiousness, our own literature, second to none that ever existed, so rich in poetry, in eloquence, in philosophy, is unpardonably neglected. All the nineteen plays of Euripides are digested, from the first bubbling froth of the *Hecuba* to the last vapid dregs of the *Electra*; while our own sweet Fletcher, the second name of the modern drama, in spite of all the brilliancy of his wit, and all the luxury of his tenderness, is suffered to lie neglected. The *Essay on the Human Understanding* is abandoned for the *Theotetus* and the *Phædon*. We have known the dates of all the petty skirmishes of the Peloponnesian war carefully transcribed and committed to memory, by a man who thought that Hyde and Clarendon were two different persons! That such a man has paid a dear price for his learning, will be admitted. But, it may be said, he has at least something to show for it. Unhappily he has sacrificed, in order to acquire it, the very things without which it was impossible for him to use it. He has acted like a man living in a small lodging, who, instead of spending his money in enlarging his apartments and fitting them up commodiously, should lay it all out on furniture fit only for Chatsworth or Belvoir. His little rooms are blocked up with bales of rich stuffs and heaps of gilded ornaments, which have cost more than he can afford, yet which he has no opportunity and no room to display. Elegant and precious in themselves, they are here utterly out of place; and their possessor finds that, at a ruinous expense, he has bought nothing but inconvenience and ridicule. Who has not seen men to whom ancient learning is an absolute curse, who have laboured only to accumulate what they cannot enjoy? They come forth into the world, expecting to find only a larger university. They find that they are surrounded by people who have not the least respect for the skill with which they detect etymologies, and twist corrupt Epodes into something like meaning. Classical knowledge is indeed valued by all intelligent men; but not such classical knowledge as theirs. To be prized by the public, it must be refined from its grosser particles, burnished into splendour, formed into graceful ornaments, or into current coin. Learning in the ore, learning with all the dross around it, is nothing to the common specta-

tor. He prefers the cheapest tinsel; and leaves the more valuable clod, to the few who have the skill to detect its qualities, and the curiosity to prize them.

No man, we allow, can be said to have received a complete and liberal education, unless he have acquired a knowledge of the ancient languages. But not one gentleman in fifty can possibly receive what we should call a complete and liberal education. That term includes not only the ancient languages, but those of France, Italy, Germany, and Spain. It includes mathematics, the experimental sciences, and moral philosophy. An intimate acquaintance both with the profound and polite parts of English literature is indispensable. Few of those who are intended for professional or commercial life can find time for all these studies. It necessarily follows, that some portion of them must be given up: And the question is, what portion? We say, provide for the mind as you provide for the body,—first necessities,—then conveniencies,—lastly luxuries. Under which of those heads do the Greek and Latin languages come? Surely under the last. Of all the pursuits which we have mentioned, they require the greatest sacrifice of time. He who can afford time for them, and for the others also, is perfectly right in acquiring them. He who cannot, will, if he is wise, be content to go without them. If a man is able to continue his studies till his twenty-eighth or thirtieth year, by all means let him learn Latin and Greek. If he must terminate them at one-and-twenty, we should in general advise him to be satisfied with the modern languages. If he is forced to enter into active life at fifteen or sixteen, we should think it best that he should confine himself almost entirely to his native tongue, and thoroughly imbue his mind with the spirit of its best writers. But no! The artificial restraints and encouragements which our academic system has introduced have altogether reversed this natural and salutary order of things. We deny ourselves what is indispensable, that we may procure what is superfluous. We act like a day-labourer who should stint himself in bread, that he might now and then treat himself with a pottle of January strawberries. Cicero tells us, in the Offices, a whimsical anecdote of Cato the Censor. Somebody asked him what was the best mode of employing capital. He said, To farm good pasture land. What the next? To farm middling pasture land. What next? To farm bad pasture land. Now the notions which prevail in England respecting classical learning seem to us very much to resemble those which the old Roman entertained with regard to his favourite method of cultivation. ~~Is~~ Is a young man able to spare the time necessary for passing through the University? Make him a good

classical scholar! But a second, instead of residing at the University, must go into business when he leaves school. Make him then a tolerable classical scholar! A third has still less time for snatching up knowledge, and is destined for active employment while still a boy. Make him a bad classical scholar! If he does not become a Flaminius or a Buchanan, he may learn to write nonsense verses. If he does not get on to Horace, he may read the first book of Cæsar. If there is not time even for such a degree of improvement, he may at least be flogged through that immemorial vestibule of learning. 'Quis docet? Who teacheth? Magister docet. The master teacheth.' Would to heaven that he taught something better worth knowing!

All these evils are produced by the state of our Universities. Where they lead, those who prepare pupils for them, are forced to follow. Under a free system, the ancient languages would be less read, but quite as much enjoyed. We should not see so many lads who have a smattering of Latin and Greek, from which they derive no pleasure, and which, as soon as they are at liberty, they make all possible haste to forget. It must be owned, also, that there would be fewer young men really well acquainted with the ancient tongues. But there would be many more who had treasured up useful and agreeable information. Those who were compelled to bring their studies to an early close, would turn their attention to objects easily attainable. Those who enjoyed a longer space of literary leisure, would still exert themselves to acquire the classical languages. They would study them, not for any direct emolument which they would expect from the acquisition, but for their own intrinsic value. Their number would be smaller, no doubt, than that of present aspirants after classical honours. But they would not, like most of those aspirants, leave Homer and Demosthenes to gather dust on the shelves, as soon as the temporary purpose had been served. There would be fewer good scholars of twenty-five; but we believe that there would be quite as many of fifty.

Hitherto we have argued on the hypothesis most favourable to the Universities. We have supposed that the bounties which they offer to certain studies are fairly bestowed on those who excel. The fact however is, that they are in many cases appropriated to particular counties, parishes, or names. The effect of the former system is to encourage studies of secondary importance, at the expense of those which are entitled to preference. The effect of the latter is to encourage total idleness. It has been also asserted, that at some Colleges the distributors of fellowships and scholarships have allowed themselves to be

influenced by party spirit, or personal animosity. On this point, however, we will not insist. We wish to expose the vices, not of individuals, but of the system. Indeed, in what we have hitherto written, we have generally had in our eye a College which exhibits that system in the most favourable light,—a College in which the evils which we have noticed are as much as possible alleviated by an enlightened and liberal administration,—a College not less distinguished by its opulence and splendour, than by the eminent talents of many of its members, by the freedom and impartiality of its elections, by the disposition which it has always shown to adopt improvements not inconsistent with its original constitution, and by the noble spirit with which it has supported the cause of civil and religious liberty.

We have hitherto reasoned as if all the students at our Universities learnt those things which the Universities profess to teach. But this is, notoriously, not the fact—and the cause is evident. All who wish for degrees must reside at College; but only those who expect to obtain prizes and fellowships apply themselves with vigour to classical and mathematical pursuits. The great majority have no inducement whatever to exert themselves. They have no hope of obtaining the premium; and no value for the knowledge without the premium. For the acquisition of other kinds of knowledge the Universities afford no peculiar facilities. Hence proceeds the general idleness of collegians. Not one in ten, we venture to say, ever makes any considerable proficiency in those pursuits to which every thing else is sacrificed. A very large proportion carry away from the University less of ancient literature than they brought thither. It is quite absurd to attribute such a state of things to the indolence and levity of youth. Nothing like it is seen elsewhere. There are idle lads, no doubt, among those who walk the hospitals, who sit at the desks of bankers, and serve at the counters of tradesmen. But what, after all, is the degree of *their* idleness, and what proportion do they bear to those who are active? Is it not the most common thing in the world, to see men, who have passed their time at College in mere trifling, display the greatest energy as soon as they enter on the business of life, and become profound lawyers, skilful physicians, eminent writers? How can these things be explained, but by supposing that most of those who are compelled to reside at the Universities have no motive to learn what is taught there? Who ever employed a French master for four years without improving himself in French? The reason is plain. No man employs such a master, but from a wish to become acquainted with the language; and the

same wish leads him to apply vigorously to it. Of those who go to our Universities, on the other hand, a large proportion are attracted, not by their desire to learn the things studied there, but by their wish to acquire certain privileges, which residence confers alike on the idle and on the diligent. Try the same experiment with the French language. Erect the teachers of it into a corporation. Give them the power of conferring degrees. Enact that no person who cannot produce a certificate, attesting that he has been for a certain number of years a student at this academy, shall be suffered to keep a shop; and we will venture to predict, that there will soon be thousands, who, after having wasted their money and their time in a formal attendance on lectures and examinations, will not understand the meaning of *Parlez-vous Français*?

It is the general course of those who patronize an abuse to attribute to it every thing good which exists in spite of it. Thus, the defenders of our Universities commonly take it for granted, that we are indebted to them for all the talent which they have not been able to destroy. It is usual, when their merits come under discussion, to enumerate very pompously all the great men whom they have produced; as if great men had not appeared under every system of education. Great men were trained in the schools of the Greek sophists and Arabian astrologers, of the Jesuits and the Jansenists. There were great men when nothing was taught but School Divinity and Canon Law; and there would still be great men if nothing were taught but the fooleries of Spurzheim and Swedenberg. A long list of eminent names is no more a proof of the excellence of our Academic institutions, than the commercial prosperity of the country is a proof of the utility of restrictions in trade. No financial regulations, however absurd and pernicious, can prevent a people amongst whom property is secure, and the motive to accumulate consequently strong, from becoming rich. The energy with which every individual struggles to advance, more than counteracts the retarding force, and carries him forward, though at a slower rate, than if he were left at liberty. It is the same with restrictions which prevent the intellect from taking the direction which existing circumstances point out. They do harm. But they cannot wholly prevent other causes from producing good. In a country in which public opinion is powerful, in which talents properly directed are sure to raise their professor to distinction, ardent and aspiring minds will surmount all the obstacles which may oppose their career. It is amongst persons who are engaged in public and professional life that genius is most likely to be developed. Of these a large portion is necessarily sent to our

English Universities. It would, therefore, be a great advantage if the Universities could not boast of many considerable men. Yet, after all, we are not sure whether, if we were to pass in review the Houses of Parliament and the English and Scottish Bar, the result of the investigation would be so favourable as is commonly supposed to Oxford and Cambridge. And of this we are sure, that many persons who, since they have risen to eminence, are perpetually cited as proofs of the beneficial tendency of English education, were at College never mentioned but as idle frivolous men, fond of desultory reading, and negligent of the studies of the place. It would be indelicate to name the living; but we may venture to speak more particularly of the dead. It is truly curious to observe the use which is made in such discussions as these, of names which we acknowledge to be glorious, but in which the Colleges have no reason to glory,—that of Bacon, who reprobated their fundamental constitution; of Dryden, who abjured his *Alma Mater*, and regretted that he had passed his youth under her care; of Locke, who was censured and expelled; of Milton, whose person was outraged at one University, and whose works were committed to the flames at the other!

That in particular cases an University education may have produced good effects, we do not dispute. But as to the great body of those who receive it, we have no hesitation in saying, that their minds permanently suffer from it. All the time which they can devote to the acquisition of speculative knowledge is wasted, and they have to enter into active life without it. They are compelled to plunge into the details of business, and are left to pick up general principles as they may. From all that we have seen and heard, we are inclined to suspect, in spite of all our patriotic prejudices, that the young men, we mean the very young men, of England, are not equal as a body to those of France, Germany, or Russia. They reason less justly, and the subjects with which they are chiefly conversant are less manly. As they grow older, they doubtless improve. Surrounded by a free people, enlightened by a free press, with the means of knowledge placed within their reach, and the rewards of exertion sparkling in their sight, it would indeed be strange if they did not in a great measure recover the superiority which they had lost. The finished men of England may, we allow, challenge a comparison with those of any nation. Yet our advantages are not so great that we can afford to sacrifice any of them. We do not proceed so rapidly, that we can prudently imitate the example of Lightfoot in the Nursery Tale, who never ran a race without tying his legs. The bad effects of our University system may be traced to the very

last, in many eminent and respectable men. They have acquired great skill in business, they have laid up great stores of information. But something is still wanting. The superstructure is vast and splendid; but the foundations are unsound. It is evident that their knowledge is not systematized; that, however well they may argue on particular points, they have not that amplitude and intrepidity of intellect which it is the first object of education to produce. They hate abstract reasoning. The very name of theory is terrible to them. They seem to think that the use of experience is not to lead men to the knowledge of general principles, but to prevent them from ever thinking about general principles at all. They may play at bo-peep with truth; but they never get a full view of it in all its proportions. The cause we believe is, that they have passed those years during which the mind frequently acquires the character which it ever after retains, in studies, which, when exclusively pursued, have no tendency to strengthen or expand it.

From these radical defects of the old foundations the London University is free. It cannot cry up one study or cry down another. It has no means of bribing one man to learn what it is of no use to him to know, or of exacting a mock attendance from another who learns nothing at all. To be prosperous, it must be useful.

We would not be too sanguine. But there are signs of these times, and principles of human nature, to which we trust as firmly as ever any ancient astrologer trusted to the rules of his science. Judging from these, we will venture to cast the horoscope of the infant Institution. We predict, that the clamour by which it has been assailed will die away,—that it is destined to a long, a glorious, and a beneficent existence,—that, while the spirit of its system remains unchanged, the details will vary with the varying necessities and facilities of every age,—that it will be the model of many future establishments—that even those haughty foundations which now treat it with contempt, will in some degree feel its salutary influence,—and that the approbation of a great people, to whose wisdom, energy and virtue, its exertions will have largely contributed, will confer on it a dignity more imposing than any which it could derive from the most lucrative patronage, or the most splendid ceremonial.

Even those who think our hopes extravagant, must own that no positive harm has been even suggested as likely to result from this Institution. All the imputed sins of its founders are sins of omission. Whatever may be thought of them, it is surely better that something should be omitted, than that no-

thing should be done. The Universities it can injure in one way only—by surpassing them. This danger no sincere admirer of these bodies can apprehend. As for those who, believing that the project really tends to the good of the country, continue to throw obloquy upon it—and that there are such men we believe—to them we have nothing to say. We have no hope of converting them; no wish to revile them. Let them quibble, declaim, sneer, calumniate. Their punishment is to be what they are.

For us, our part has been deliberately chosen—and shall be manfully sustained. We entertain a firm conviction that the principles of liberty, as in government and trade, so also in education, are all-important to the happiness of mankind. To the triumph of those principles we look forward, not, we trust, with a fanatical confidence, but assuredly with a cheerful and steadfast hope. Their nature may be misunderstood. Their progress may be retarded. They may be maligned, derided, nay at times exploded, and apparently forgotten. But we do, in our souls, believe that they are strong with the strength, and quick with the vitality of truth; that when they fall, it is to rebound; that when they recede, it is to spring forward with greater elasticity; that when they seem to perish, there are the seeds of renovation in their very decay—and that their influence will continue to bless distant generations, when infamy itself shall have ceased to rescue from oblivion the arts and the names of those who have opposed them, the dape, the disssembler, the bigot, the hurling—the buffoon and the sarcasm, the liar and the lie!

ART. IV. *Considerations on the Timber Trade.* London, 1825.

THAT any considerable change could be effected in that restrictive and artificial system under which so large a proportion of the commerce and industry of the country has been long conducted, and under which so many interests have grown up, without occasioning considerable suffering and embarrassment, was what no one could expect. The temporary distress and inconvenience consequent upon the abandonment of an illiberal and exclusive system, is the price that must unavoidably be paid for the greater prosperity and security that will infallibly result from reverting to one that is less unsocial, more natural, and sound. In the meanwhile it is, no doubt, the duty of ministers to advance, as we think Messrs Robinson and Huskisson have done, with slow and well considered steps in the path of

reform; and not rashly to subvert institutions, which, however erroneous in principle, have become, in the course of time, deeply engrafted into our commercial policy. But the duty of steadily persevering in a sound system, in despite of the clamours of the ignorant and interested, however painful it may sometimes be in its performance, is one from which ministers cannot swerve without sacrificing the public interests to those of a comparatively small party. The course which principle points out is not often that which it is most for the interest of a minister, anxious only to catch at the ephemeral popularity of the day, to follow; but it is by a resolute adherence to it, and by no other means, that the lasting, and real interests of a mighty nation can ever be permanently secured, and its prosperity established on a secure and solid foundation. It is on this account that we most heartily congratulate our readers on the resistance made by ministers to the efforts to induce them to relax in their purpose of breaking up the monopoly under which the silk trade is now placed; and on the pledge which they have given of their determination to adhere to that enlarged system of commercial policy they have so wisely adopted. We have no difficulty in saying, that if they act up to their promise, and give full and uncompromising effect to the system they have partially introduced, they will establish for themselves a lasting claim on the gratitude of the country; and will do the most that can be done to perpetuate the commercial prosperity, and, by consequence, the power and glory of the British nation.

These remarks have been suggested rather by observing the clamour that has been excited against the general merits of the system which ministers are pursuing, than because we think that they are peculiarly applicable to the particular case of the Timber trade, to which we now mean very briefly to call the attention of our readers. It does not seem to us that this is a case in which it is possible that any considerable outcry could be raised against ministers for immediately carrying those measures into effect, which we think we shall succeed in showing, are of the highest importance to the best interests of the country. If we can prove that the duties on timber are not only oppressive in their amount, but that they are imposed in a way that renders them utterly inconsistent with every fair principle of commercial intercourse—that they have deeply injured our trade with the North of Europe, and forced us to substitute an inferior and naturally dear species of timber in the place of one that is vastly superior, and naturally cheaper—it may surely be concluded that the reduction of the duties, and the placing of them on a fair and equal footing, would be measures no less popular than beneficial.

The practice of encouraging the importation of the timber of Canada and our other possessions in North America, in preference to that of foreign countries, is but of recent growth. It took its rise during the administration of Mr Vansittart,—and bears in every part the impress of his favourite policy. The events that took place in 1808 having seriously affected our previous relations with the Baltic powers, a deficiency in the accustomed supply of timber began to be apprehended; and the ship-owners and Canada merchants dexterously availed themselves of this circumstance, to excite the fears of the ministry, and to prevail upon them to change the fair and liberal system on which the trade in timber had been conducted up to that time, by granting extraordinary encouragement to its importation from Canada. A large addition was accordingly made, in 1809, to the duties previously charged on timber from the North of Europe, at the same time that those previously charged on timber from Canada and our other possessions in America were *entirely repealed*; and in the very next year (1810), the duties thus imposed on Baltic timber were *doubled*! Nor did the increase of duties on European timber stop even at this point. In 1813 Mr Vansittart again added 25 per cent. to them, on pretence of increasing the public revenue, though we believe for no other purpose than to increase the preference already given to Canada timber: For, poorly as we think of Mr Vansittart's sagacity, we cannot bring ourselves to believe that he actually imagined he would add to the revenue of the country by increasing the duties on an article imported from a particular quarter of the world, that was already taxed up to the very highest point, while he allowed a similar article to be imported from another quarter duty free!—The various duties that had thus been imposed on timber from the North of Europe, amounted, when consolidated by the 59th of his late Majesty, to 3*l.* 5*s.* per load.

Having thus granted a monopoly of the timber trade to the Canada merchants, Mr Vansittart could not consistently refuse to place the proprietors of iron mines in this country in the same favoured situation. And they, in consequence, procured an act of Parliament, by which prohibitory duties were imposed on the importation of Swedish and other foreign iron!

Before proceeding farther, it will be proper to direct our attention for a few moments to the nature and extent of that commerce with the North of Europe, against which Mr Vansittart had aimed so deadly a blow. Now it appears from the accounts inserted in Mr Oddy's *European Commerce* (p. 398), that the value of the

commodities exported from Great Britain to the countries contiguous to the Baltic, in 1803, amounted to 5,427,542*l.*; and that in the same year 4,123 British ships passed the Sound at Elsinour. Mr Oddy thinks that at this epoch, the total average value of the exports from the ports of the Baltic and Norway to foreign countries, amounted, *exclusive of corn*, to about TWELVE MILLIONS, and that *two thirds* at least of this trade was then in possession of the British. Iron and wood, which were almost entirely taken by this country, are estimated to have formed nearly *a fourth* part of the entire exports, and about *two thirds* of those from the ports of Sweden and Norway. During the following six years the trade continued to improve; and in 1809, the year when Mr Vansittart commenced his operations, no fewer than 428,000 tons of British shipping were employed in it, being between *a fourth and a fifth part of the whole mercantile navy of Great Britain!*

Had this trade met with that encouragement and protection from the Legislature to which its vast importance gave it so just a claim, or had it even been let alone, there can be no doubt that it would have formed, for ages to come, one of the main sources of our commercial prosperity. The nations round the Baltic have made little progress in manufacturing industry. They abound in valuable raw products; but they are wholly destitute as well of the finer species of manufactured commodities, as of colonies. Nor have they any inducement to endeavour directly to supply themselves with the former, or to establish the latter. Their iron and copper mines, their vast forests, and their immense tracts of fertile and hitherto uncultivated land, afford much more advantageous and ready investments for their scanty and deficient capital, than could be found in manufactures or foreign trade. The Northern nations must long find their advantage in exchanging their raw for the wrought products of other countries; and nothing but their own misconduct, or their being undersold by others, can ever deprive those who have been in the habit of supplying them with manufactured goods, of so extensive and valuable a market.

But of all the countries in the world, there is obviously none which has so many facilities for carrying on an advantageous commerce with the North as Great Britain. We have an excess of all those commodities of which Russia, Prussia, Sweden, Denmark, and Norway, stand most in need; and, on the other hand, they have an excess of many of those of which we are nearly destitute. The vast and advantageous traffic we formerly carried on with the Baltic, did not, therefore, in any degree depend on artificial or accidental circumstances. It did

not rest on the miserable foundation of bounties and drawbacks, but on the gratification of real and mutual wants and desires: And had it not been violently interfered with, it must have continued to increase with every increase of the productive powers, or of the means of purchasing of either party. It has been justly remarked by the Marquis Garnier, the excellent translator and annotator of the *Wealth of Nations*, that no inconsiderable portion of the increased power and wealth of England may be traced to the growing power and opulence of Russia. But the Russian Empire is yet only in the infancy of civilization; she must continue, for a very long period, to advance in the career of improvement, and it will be our own fault if we do not reap still greater advantages from her progress.

Such however was the commerce against which Mr Vansittart levelled his prohibitions,—and which they went far to destroy! In 1814, the year after the 25 per cent. additional duty on timber had been imposed, and when all the ports of the Baltic were open to our ships, there were only 242,000 tons of British shipping employed in that very trade which, as we have already seen, had in 1809, the year when the first increase of duties took place, employed 428,000 tons! In 1816, we had only 181,000 tons employed in the Baltic trade; and the shipping employed in it in 1819, the fourth year of a profound peace, was still 55,000 tons short of what it had been during the hottest period of the war!

By diminishing our imports from the Northern nations, the acts imposing high duties on European timber and iron necessarily diminished our exports to them in the same proportion. The following extract from the evidence of Mr Edward Patzeker, a merchant of Memel, given before the Committee of the House of Commons, on the Foreign Trade of the country in 1821, shows the effect that the increased duties on timber had on the commerce with Prussia.

“Has there been a great alteration in the timber trade between Memel and this country of late years?—Since the war a great alteration; before the war we used to have 950 to 1000 English ships in one year; and since the war we have had from 200 to 300 only.

‘When you talk of 900 ships, do you mean 900 ships trading between Great Britain and Memel?—Yes.

‘Do you mean that number of cargoes were loaded in the year for England?—Yes.

‘How many cargoes were loaded for Great Britain during the last year (1820)?—About 270 or 280 cargoes, there have not been more.

‘To what cause do you attribute that great diminution in the

trade?—To THE HIGH DUTIES IN ENGLAND; for formerly the duties were only 16s. and some pence, now they are 3*l.* 5s. in a British, and 3*l.* 8s. in a foreign ship.

‘Has that diminished trade in timber produced a great alteration in the circumstances of the people of Prussia?—Yes, for it is the only trade which we can carry on; wheat and all the rest of our articles cannot be brought here; *Timber* is the only one that can be brought, and the trade from Poland has very much ceased in consequence of the diminished demand for it; the people cannot sell their goods, and we cannot take such quantities of timber as we used to do; and, therefore, they cannot take English goods from us.”

‘If such an alteration was to take place in the duties on timber in this country, as to give the Prussians a larger share of the trade than they at present enjoy, do you think that would produce increased friendly feelings on the part of the people of your country to the people of this country?—It would. *They would certainly take far more goods from hence, as they could get better rid of them. The Poles, also, would take more of them.*’ *

The effect that the increased duties had on the trade with Norway and Sweden, aggravated as they in some degree were by an absurd method of charging the duty on deals, was still more striking and extraordinary. These countries had no products, except timber and iron, to exchange for our commodities; and as neither of these could be advantageously imported into England under the new system, the trade with them almost entirely ceased; and they were reluctantly compelled to resort to the markets of France and Holland for the articles they had formerly imported from us. In proof of this we may mention, that the exports to Sweden, which had amounted in 1814 to 511,818*l.*, had declined in 1819 to 46,656*l.*; and the exports to Norway, which had in 1815 amounted to 199,902*l.*, amounted in 1819 to only 61,741*l.* †

This extraordinary falling off in so very important a branch of our commerce having been established beyond all question by the evidence taken before the Committees to which we have already referred; an approach to a better system was made in 1821, when the duty on timber from the North of Europe was reduced from 3*l.* 5s. to 2*l.* 15s. per load, at the same time that a duty of 10s. per load was laid on timber from British America. This, however, was plainly a feeble and inefficient measure. It was stated, to be sure, at the time, that the 2*l.* 5s. per load of excess of duty that was thus continued on Baltic timber over that laid on timber imported from Canada, was not more than

* Report, printed by order of the House of Commons, 9th March 1821, p. 107.

† Lords’ Report on the *Foreign Trade* of the Country, p. 84.

sufficient to balance the greater freight and other charges consequent upon the importation of the latter; and that it would, therefore, be in future indifferent to a merchant whether he imported timber from Memel or Miramichi! But, in point of fact, the discriminating duty in favour of Canada timber has been, as we shall afterwards show, infinitely too high for the purpose of effecting this equalization; and has consequently occasioned its continued importation, in preference to that from the Baltic, and presented an insuperable obstacle to our recovering our former ascendancy in the trade with the North of Europe. But admitting that the duty had been adjusted so as to have had the anticipated effect, could any thing be more preposterous and absurd than to impose it on such a principle? There are mines of coal in New Holland; but what should we think were an attempt made to impose such duties on coals from Newcastle as should render it indifferent to a London merchant whether he imported a cargo of coal from the Tyne or Botany Bay? Now, the case of the timber duties is, in point of principle, precisely the same. We may obtain timber from countries so near at hand that our ships can make three, four, five, and even six voyages a year to them; * and yet we refuse to admit this timber into our ports, until we have loaded it with a duty that has the effect to raise its price to a level with that which is brought from the other side of the Atlantic—a voyage which our ships cannot, at most, perform above twice a year! We are bold to say, that the impolicy and absurdity of this regulation cannot be exceeded by any thing in the commercial policy even of Old Spain. It is impossible to decide whether it is more disgraceful to the intelligence, or injurious to the interests of the country.

These statements apply chiefly to the preference shown to the large fir timber of our Plantations over that of other countries; † but the following *official* account, to which we beg to call the particular attention of our readers, of the rates of duty payable at this moment on all the principal articles of wood imported into this country, shows the extent to which the system of preference has been carried.

* According to the evidence of Mr J. D. Powles, an extensive ship and insurance-broker, ships can make *six* voyages from Norway, three or four from Prussia, and two from Russia, in a season.—*Commons' Report*, p. 89.

† In the language of the Customs, wood is the general term, and comprehends timber, deals, and battens; when in the form of ahewn tree or log, it is called timber; when sawn into thin pieces, it is called batten, if not above seven inches broad; and deal when above that breadth.

*An Account of the Rates of Duty payable in Great Britain on the
Principal Articles of Wood.*

DYE and HARDWOODS, viz.

<i>Eustic,</i>	per ton	L. 1	4	6
<i>Logwood</i>	per ton	0	9	2
<i>Mahogany of Bermuda, the Bahamas, or Honduras,</i>	per ton	3	16	0
————— of Jamaica	per ton	5	0	0
————— of other sorts	per ton	11	17	6

	Of Europe, &c.		Of the British Colonies or Plantations in America.
	in British Ships.	in Foreign Ships.	
TIMBER, viz.	<i>l.</i> <i>s.</i> <i>d.</i>	<i>l.</i> <i>s.</i> <i>d.</i>	<i>l.</i> <i>s.</i> <i>d.</i>
<i>Battens, 6, and not exceeding 16 feet long, and not exceeding 2½ inches thick, p. 120</i>	10 0 0	10 10 0	1 0 0
———— 16, and not exceeding 21 feet long, and not exceeding 2½ inches thick, p. 120	11 10 0	12 1 6	1 3 0
———— exceeding 21 feet long, or if ex- ceeding 2½ inches thick, p. 120	20 0 0	21 0 0	2 0 0
<i>Deals, 8, and not above 10 feet long, and not exceeding 1½ inch thick, p. 120</i>	8 2 6	8 7 0
———— 6, and not above 16 feet long, and not exceeding 3¼ inches thick, p. 120	19 0 0	19 19 0	2 0 0
———— 16, and not exceeding 21 feet long, and not exceeding 3¼ inches thick, p. 120	22 0 0	23 2 0	2 10 0
———— 6, and not above 21 feet long, and exceeding 3¼ inches thick, p. 120	38 0 0	39 18 0	4 0 0
———— exceeding 21 feet long, and not ex- ceeding 4 inches thick, p. 120	44 0 0	46 4 0	5 0 0
———— and exceed- ing 4 inches thick, p. 120	88 0 0	92 5 0	10 0 0
<i>Deal Ends, under 6 feet long, and not ex- ceeding 3¼ inches thick, p. 120</i>	6 0 0	6 6 0	0 15 0
———— and exceed- ing 3¼ inches thick, p. 120	12 0 0	12 12 0	1 10 0
<i>Lathwood in pieces under 5 feet long, p. fathom</i>	4 5 0	4 9 3	0 15 0
———— 5 and under 8 feet long, p. do.	6 16 0	7 2 9	} 1 5 0
———— 8, and under 12 feet long, p. do.	10 4 0	10 14 2	
———— 12 feet long and up- wards, p. do.	13 12 0	14 5 7	
<i>Masts, 6, and under 8 inches in diam- eter</i>	0 8 0	0 8 6	0 1 6
———— 8, and under 12 inches in diam- eter	1 2 0	1 3 2	0 4 0
———— 12 inches in diameter or upwards, p. load	2 15 0	2 17 9	0 10 0

TIMBER, viz.							
<i>Oak-Plank</i> , 2 inches thick or upwards, p. load				l. s. d.	l. s. d.	l. s. d.	
				4 0 0	4 4 0	0 15 0	
<i>Spars</i> , under 4 inches in diameter, and under 22 feet long, p. 120				2 8 0	2 10 6	0 9 0	
— and 22 feet long or upwards, p. 120				4 5 0	1 9 3	0 16 0	
— 4 and under 6 inches in diameter, p. 120				9 0 0	9 9 0	1 14 0	
<i>Staves</i> , not exceeding 36 inches long, p. 120				1 3 0	1 1 2	0 2 0	
— above 36, and not exceeding 50 inches long, p. 120				2 6 0	2 8 1	0 1 0	
— above 50, and not exceeding 60 inches long, p. 120				3 0 0	3 3 0	0 6 0	
— above 60, and not exceeding 72 inches long, p. 120				1 1 0	1 8 3	0 8 0	
— above 72 inches long, p. 120				1 16 0	5 0 10	0 10 0	
N. B.—Staves of the United States of America, of Florida, of the Ioman Islands, or of the British Colonies, and not exceeding 1½ inch in thickness, are chargeable with one-third part only of the above rates.							
<i>Timber</i> , Fir, 8 inches square or upwards, p. load				2 11 0	2 17 9	0 10 0	
— Oak, do. p. load				2 15 0	2 17 9	0 10 0	
— Unseasoned, do. p. load				1 8 0	1 9 5	0 5 0	
<i>Watusat Logs</i> , 8 inches square or upwards, p. load				3 15 0	3 18 9	0 12 0	

*Inspector-General's Office, Customhouse.
London, 28th May 1825.*

R. D. WOODHILL, D.
Assistant Inspector General.

It is ridiculous for us, while the foreigner can lay his finger on such a Table as this, to boast of our liberal commercial policy. Here is one of the most important branches of our commerce, from which foreigners are almost wholly excluded. Having set such an example, can we wonder that the Swedes, Russians, and Prussians should endeavour, as they have already partially done, wholly to shut us out of their markets?

We admit that this system has increased our commerce with Canada—or rather our *indirect* commerce with the United States; for it has been repeatedly stated in the House of Commons, and was completely proved before the Committees, that *more than a half of the timber imported into this country from America is not the growth of Canada, but of the Western territory of the State of New York!* But, supposing it to be wholly the produce of Canada, still we have to ask, why should the trade with the Baltic be irreparably injur-

* An unimportant alteration was made by an act of last Session, passed subsequently to the date of this account (6. Geo. IV., cap. 104), in the duty on deals not of the British colonies, exceeding 21 and 45 feet long.

ed, and the people of Britain forced to pay double prices for their timber, in order to force a trade with our North American possessions? We have no hesitation in saying, that instead of being of any value to England, it would have been well for her, had Canada, Nova Scotia, &c. continued to this hour in the possession of their aboriginal savages. So far from gaining by them, we are quite sure that it will be a very moderate computation to say, that they have already forced us to incur a dead loss of *sixty* or *seventy* millions; and we have still to remit upwards of 500,000*l.* a year to them, to assist in defraying the expenses of their government! Neither is there the least prospect that we shall long continue to maintain our dominion over these expensive dependencies. There is not a man of sense in the Empire who does not look forward to the dissolution, at no distant period, of the connexion between Canada and England. And though she is certainly entitled, in the mean time, to fair and friendly treatment at our hands, it is really too much to expect that we should impoverish ourselves, and ruin an important branch of our commerce, for her sake.

We have already said enough to show, that though the timber we have been forced to import from America had been equal, in point of quality, to the timber of the North of Europe, the existing regulations are altogether indefensible. Such, however, is not the case. We have not only forced the consumers of timber to pay a monopoly price for it, but we have also compelled them to use a very inferior and comparatively worthless article! The Committee of the House of Lords observe, in their first Report on the *Foreign Trade of the Country*, that ‘the North American timber is more soft, less durable, and every description of it more liable, though in different degrees, to the dry rot, than timber of the North of Europe. The red pine, however, which bears a small proportion to the other descriptions of timber, and the greater part of which, though imported from Canada, is the produce of the United States, is distinguished from the white pine by its greater durability. On the whole, it is stated by one of the Commissioners of his Majesty’s Navy, most distinguished for practical knowledge, experience, and skill, that the timber of Canada, both oak and fir, does not possess, for the purpose of ship-building, more than half the durability of wood of the same description, the produce of the North of Europe. The result of its application to other purposes of building, is described by timber merchants and carpenters to be nearly similar.’ (p. 4.)

We subjoin the following extracts from the evidence of Sir

Robert Seppings, the Commissioner alluded to by the Committee, whose great intelligence and experience render his opinion of the highest authority.

‘ Can you state to the Committee the result of any observations that you or others in his Majesty’s service have made, on the durability of timber, the produce of the North American colonies, or timber imported from the North of Europe, applied to the same purposes?—About the year 1796, there were a certain number of frigates built of the fir of the Baltic, and *their average durability was about EIGHT years*. About the year 1812, there were a considerable number of frigates built also, of fir of the growth of North America, and *their average durability was not HALF that time*.

‘ You have stated that Canada timber is peculiarly subject to the dry rot, and the dry rot is known to have prevailed lately to a great degree in the navy; has that prevailed principally since the application of Canada timber to the uses of the navy?—I believe *the navy has suffered very considerably from the introduction of Canada timber*, or timber of the growth of North America; and in consequence, from experience, we have *entirely discontinued the use of it*, except for deals and masts.’ (p. 56.)

Mr Copland, an extensive builder and timber merchant, on being asked by the Committee what was his opinion with respect to the comparative qualities of American and Baltic timber, answered,—‘ The timber of the Baltic in general, speaking of Norway, Russian, Prussian, and Swedish timber, is of very superior quality to that imported from America; the bulk of that *is very inferior in quality, much softer in its nature, not so durable, and very liable to dry rot*; indeed it is not allowed by any professional man under Government to be used, nor is it ever used in the *best* buildings in London; it is only speculators that are induced to use it, from the price of it being much lower (in consequence of its exemption from duty) than the Baltic timber; if you were to lay two planks of American timber upon each other, in the course of a twelve-month they would have the dry rot, almost invariably, to a certain extent.’ (p. 56.) And fifty passages to the same effect might be produced, from the evidence of persons of the greatest experience in building.

Now, we would beg leave to ask, whether any thing can be more absolutely monstrous, than to force, by means of a system of discriminating duties, a very large proportion of the public to use that very timber in the construction of their ships and houses, which Government will not use for either of these purposes, and which the most experienced engineers and builders pronounce to be utterly unfit for them? This is not to impose duties on a fair and equal principle for the sake of revenue, but for the sake of securing a preference to a worthless article. It

is not to impose duties in the way in which they may be least, but in that in which they may be *most injurious* to those who have to pay them.

In order to exhibit a view of the present state of the timber trade, and to show the absolute incompetency of the trifling alteration of the duties made in 1821, to produce any material change in the proportion of the quantity of timber imported from the North of Europe to that imported from America, we subjoin the following *official* account of the quantities of the principal articles of wood imported into Great Britain, during the year ended the 5th January 1824, distinguishing those imported from the British plantations from those imported from the North of Europe and other foreign countries.

An Account of the Quantities of the principal Articles of Wood imported into Great Britain in the year ending 5th January, 1824, distinguishing the Import from the British Colonies.

SPECIES OF WOOD.	Total quantity im- ported from the British Colonies.	From Europe, &c.	Total quantity im- ported.
<i>Dye and Hardwoods, viz.</i>			
Fustic . . . Tons	3,154 2 3 7	2,008 11 2 6	5,162 17 1 13
Logwood . . . Tons	9,403 16 2 16	5,595 1 3 12	14,998 18 2 0
Mahogany . . . Tons	8,767 3 1 9	3,162 11 3 9	11,929 15 0 18
<i>Timber, viz.</i>			
Battens . . . at q. No.	827 1 22	8,672 1 20	9,499 3 12
Deals . . . at q. No.	8,279 3 6	27,183 0 0	35,462 3 6
Deal Ends . . at q. No.	430 0 17	6,636 3 14	7,067 0 1
Lathwood . . Fathoms	6,571 0 $\frac{25}{32}$	4,548 0 $\frac{16}{32}$	11,120 0 $\frac{1}{32}$
Masts, under 12 inches in diameter . . . No.	4,270 0 0	8,651 0 0	12,921 0 0
—, 12 in. in diam. and upwards Lds. and ft.	2,752 48 $\frac{1}{2}$	2,233 28 0	4,986 26 $\frac{1}{2}$
Oak Plank Lds. and ft.	6 43 $\frac{1}{16}$	3,615 32 $\frac{1}{16}$	3,622 25 $\frac{1}{16}$
Spars . . . at q. No.	182 2 9	940 2 4	1,123 0 13
Staves . . . at q. No.	33,610 3 31	26,732 1 21	60,343 1 15
Timber, Fir Lds. and ft.	329,929 49 $\frac{1}{2}$	150,901 37 $\frac{1}{4}$	480,831 37 $\frac{1}{4}$
—, Oak Lds. and ft.	11,243 39	3,683 47 0	14,927 36 0
—, Uncenumerated Loads and feet	20,279 15 $\frac{1}{2}$	460 5 0	20,739 20 $\frac{1}{2}$
Wainscot Logs Lds. & ft.		2,221 48 $\frac{1}{4}$	2,221 48 $\frac{1}{4}$

R. D. WOODFIELD, Assistant Inspector General.

*Inspector General's Office, Custom House,
London, 28th May, 1825.*

We have already seen, that not a single foot of American timber is used for the purpose of ship-building in any of his Majesty's yards; and for many purposes of house carpentry Baltic timber is quite indispensable. It appears, however, from the above account, that, notwithstanding these powerful recommendations in its favour, the quantity of fir and oak-timber imported from America is above *two and a half times* the quantity of that which is imported from the North of Europe! And yet there is not a timber-merchant who is not ready to admit, that, in the event of the duties being equalized, no American timber would be imported, except for masts and spars, and the finishing of rooms; and that the importations from the North of Europe would be, at the very least, *three times* greater than the importations from America.

Not only, however, is the duty of 2*l.* 15*s.* per load on timber from the Baltic, when there is only 10*s.* per load of duty on timber from Canada, utterly subversive of every sound principle of commercial economy and taxation, but, though it were otherwise unexceptionable, it is so very oppressive in its amount, as to render its reduction an object of the last importance. The cost of the various descriptions of wood annually imported into Great Britain to the consumers, has been estimated to amount to about FOUR MILLIONS. Of this sum the duty amounts to about 1,600,000*l.*, * leaving 2,400,000*l.* to defray the prime cost of the wood, and the various charges attending its importation. Of these charges, *freight* is by far the greatest; and considerably exceeds both the first cost of the wood and the importer's profits taken together. It appears, from a statement, printed (p. 108) in the Lords' Report, already referred to, that the cost of Swedish timber in Sweden is exactly the same as the cost of the inferior species of Canada timber, or yellow pine, in Canada; and that while Memel timber only costs the exporter 35*s.* per load, Canada, or more properly New York, red pine costs him 50*s.* But while the prime cost of Baltic timber is thus about the same, or rather less than the prime cost of American timber, the freight of the latter is commonly about *three times* that of the former; and it is, as has been already shown, this higher freight that the discriminating duty of 2*l.* 5*s.* per load was intended to balance. A reduction of the duty on Baltic timber would, therefore, have a double effect; for it would not only be productive of a considerable direct advantage, but

* The total gross duties on timber amounted, in 1822, to 1,328,778*l.*; in 1823, to 1,598,507*l.*; and, in 1824, they amounted to 1,906,095*l.*

would also be productive of a much greater indirect advantage, by the *immense saving of freight* it would occasion.

It is clear, therefore, that every principle of justice and policy concur to show, that the duties on Baltic and Canada timber should be equalized. But suppose that Government were so far to compound with established error and absurdity, as to reduce the duty on Baltic timber from 2*l.* 15*s.* to 1*l.* 5*s.* per load, and to raise the duty on Canada timber from 10*s.* to 15*s.* per load; the effect of such a measure would be to leave a discriminating duty of 10*s.* in favour of our loving subjects in America, at the same time that it would be a vast boon to the country, and would not really lead to any considerable reduction of the revenue. We have not the slightest doubt, that, under such a system, the imports of timber from the North of Europe would at the very least be *doubled*; and on this hypothesis, the revenue now derived from this source would decline only 10 per cent. The revenue derived from the timber imported from America would undoubtedly be diminished; but the diminution would not be so great as might be supposed. Even now by far the largest proportion of the produce of the duties is derived from those which are laid on timber from the North of Europe; and the addition of a half, which we have proposed making to the existing duty on American timber, would go a good way to balance the loss that would be sustained, in consequence of the diminished quantity of it that would be imported.

On the whole then, we see no reason whatever to think, supposing the duties to be regulated on the plan now proposed, that the loss of revenue would exceed 400,000*l.* or at most 500,000*l.* But taking it as high as 600,000*l.* a year, can the loss of such a sum be compared for one moment with the advantages that would accrue to the public from the reduction of the duty? Considering the extent to which foreign timber is used in the building of our ships, the construction of our houses, and in our manufacturing establishments, we are warranted in affirming, that the *direct* effects that would result from such a reduction of its price as would follow the adoption of the measure we have proposed, would be in the highest degree beneficial to almost every class; while the indirect effects of such a measure in reviving and increasing our commerce with the Baltic, and in reducing the cost of our ships, and making them more able to withstand the competition of foreigners, would do more perhaps than any other measure, short of the abolition of the Corn Laws, which it is in the power of Parliament to adopt, to add to the commercial, manufacturing, and maritime *greatness* of the country.

But whether we reduce the duties or not, it is indispensable that the present monstrous system of charging them should be amended. Our situation may be so very unfortunate, that we must, for the sake of a paltry pittance of 400,000*l.* or 500,000*l.* a year, forego all the advantages that would result from the effectual reduction of the duties. But that never can be a reason why we should impose a high duty on good timber, not for the sake of revenue, but in order to force the consumption of that which is bad, or that our ships and houses may be infected with dry rot! This is a system which is utterly intolerable, and which ought not to exist even for another day.

But as there is no system, however vicious, and no abuse, however flagrant, by which some individuals are not benefited, we must not expect that even a change, so greatly beneficial as this would certainly prove, could be effected without some opposition. That very sensitive body, the Shipping Interest, would, we have no doubt, cry out against any measure that might have the effect to lessen the sum paid by the public on account of freight. But surely it is not to be endured, that the commerce of the country should be forced out of its old and natural channels, our imports diminished, and inferior timber forced upon us at a high price, that employment may be found for 40,000 or 50,000 tons of shipping! If we are to be so oppressed for such an object, we may next expect to see steam-packets prohibited, in order to increase the demand for coaches and the duties on posting!

The circumstances under which the timber trade is placed at this moment, seem also to be particularly favourable for the consideration of this question. The same spirit of speculation and overtrading that has been productive of so much mischief in other departments of commerce, has been at work in this; and has led to such an excessive importation that timber is said to be at present selling for little more than the amount of the duties. If, therefore, it were now enacted, that the reduction of the duties should take place at the distance of twelve or eighteen months, a check would be given to any farther importation in the mean time, and time would be afforded for clearing off the stocks now on hand at a considerable advance of price.

It is worthy of remark, that it is particularly mentioned in the Reports both of the Lords' and Commons' Committees, that the Canada merchants and ship-owners were never led to believe that the duties imposed on Baltic timber in 1809, 1810, and 1813 would be permanent; and that, on the contrary (Commons' Reports, p. 4.) *pains were taken to convince them that they would only*

be temporary. There is nothing, therefore, to prevent Parliament immediately interfering to lower or to equalize the duties. And we do hope that ministers will not delay taking up the consideration of this truly great question. They have already, much to their own credit, and greatly to the advantage of the country, effectually reduced the duties laid by Mr Vansittart on foreign iron. But they must not stop short at this point. And we are well convinced, that they cannot but feel that it is impossible for them, consistently with their duty to the country, or with those sound principles on which they have already acted, and to which they have avowed their determination to adhere, to permit so disgraceful and ruinous a system to continue.

- ART. V.—1. *To-day in Ireland.* In three Volumes, 12mo. London, 1825.
 2. *Tales of the O'Hara Family.* In three Volumes, 12mo. London, 1825.
 3. *O'Hara, or 1798.* In two Volumes, 12mo. London and Dublin, 1825.
 4. *The Adventurers, or Scenes in Ireland in the Reign of Elizabeth.* In three Volumes. London, 1825.

IT has been said by somebody that ‘the story-telling faculty ‘is a very common one;’—and the facility with which Novels are engendered now-a-days would seem to confirm the assertion. The quality, however, of these productions is still more remarkable than their quantity. If we were to ‘call for the returns’ of the Circulating Libraries for thirty or forty years back, we should find that, for every one good novel then in the market there are now a dozen. Even the lowest class of such works has risen considerably in the scale;—the Minerva Press itself has been obliged to ‘marcher avec son siècle;’ and we no longer read such things as ‘while the heroine’s brow was shaded with the sable mantle ‘of despair, she was taken with a violent spitting of blood,’—or of ‘a song sung at Lady ——’s masquerade, which was so ‘pathetic, that my Lord Mahogany, who was there in the character of a mile stone, burst into tears!’

The impulse towards Novel-writing, which is, at present, all over Europe, driving the current of imaginative talent into this channel,—leaving the fair springs of Poesy dry and deserted,—may be traced, no doubt, to the example and success of our

own inimitable Romancer of the North. Homer has been described as the fountain at which all succeeding poets drank;—and the Author of *Waverley*, in this other sphere of fiction, is the modern source, to which

‘ lesser stars,

‘ Repairing, in their golden urns draw light.’

In the general hunt after subjects and materials, which the competition among this new class of novelists has occasioned, historians and antiquarians have been put in requisition: every country in the world has, in turn, been ransacked; and Romance, like Napoleon, has levied her conscription of Heroes everywhere. Not only Europeans and Americans, both civilized and savage, but Egyptians and Hindoos have been forced to furnish their contingents; and if the Hottentots have not yet supplied a subject for a Novel, the late adventures of a ‘ Lord Charles’ among them may, before long, perhaps, bring even them into play. Madame de Duras has lately taken a negress for her heroine; and—such is the importance attached by the Holy Alliance to novels—her black *Ourika* has just been proscribed, in the *Index Expurgatorius* of Spain!

We remember once hearing Mr Cumberland, the dramatist, give an account of a relative of his own, who, having planned the story of a novel, and being anxious to place the scene of it somewhere beyond the range of geographical criticism, chose the interior of Africa as the safest and snugest place for his purpose. Here he revelled unrestrained in descriptions of manners and of scenery—invented laws and customs as it suited his convenience, and, without the fear of either historian or geographer before his eyes, disposed of his Africans, both male and female, just as he thought proper. In the midst of all this dream of security, the progress of Mungo Park into the interior was announced. The alarmed novelist began to tremble for his localities;—‘ I shall be found out,’ he exclaimed,—‘ he is now near my Royal City!’ Every new advance of Park increased his apprehensions; and, if there was any one to whom the loss of that amiable traveller did not give very real grief, it was this novelist, whose African statistics had been rescued from detection by his death.

Among the many countries fit to be the ‘ local habitation’ of Romance, it is strange that Ireland—particularly after the successful examples of Miss Edgeworth, and Lady Morgan—should, till lately, have been so very little brought into operation. ‘ Ireland,’ said Charles I. ‘ is the only egg we have yet sitten upon; and, having a thick shell, we have not yet

‘hatched it.’ * The Novelist, however, has no reason to fear such a barren result of his incubation. The advantage of being a *terra incognita*, at least to English statesmen, Ireland has, till lately, possessed almost as fully as the interior of Africa. Even at present, a writer who lays the scene of his story (as one of those we are about to notice has done) in the Hon. Member for Galway’s Kingdom of Connemara, is assuredly as safe there from topographical criticism as he would be from the King’s writ, and may describe away, with as little fear of *surveillance* or detection as if he were writing—no offence to Mr Martin—about Fatteconda or Timbuctoo.

It is often asked why no poet of Ireland has yet drawn from her annals a great National subject for his Muse;—but they must be ignorant of the wretched history of that country who ask this question. Nationality, in the Anglo-Irish Dictionary, means Treason,—and, unluckily, has had no other meaning for the last six hundred years. That spirit of resistance to England, which in Scotland was loyalty and patriotism, has, in Ireland, always been rebellion. What then is left for the Irish poet?—the Conquerors of his country he will not celebrate, and her Rebels he dare not, if he would. It is told of the poet Daphitas, in ancient times, that, for writing against the Kings of Pergamus, he was crucified on Mount Thorax;—and hence the adage, ‘Cave Thoracem.’ To the poet who would attempt to sing the story of Ireland *nationally*, we should certainly be inclined to say, ‘Cave Thoracem!’

The same causes, however, that have embittered and degraded the history of Ireland, so as to render it incapable of furnishing any safe or worthy theme for the poet, have brought the character of its people, both moral and social, to a state which is eminently favourable to the more humble inspirations of the novelist. Though the nobler quarry of the Muse is wanting, there is plenty of small game for the satirist and observer of character. The anomalies necessarily engendered throughout the whole frame of society by the inverted and unnatural position of all the institutions of that country; the influence which such a state of things must have upon all ranks—those of the higher, in whose hands the execution of unequal laws is placed, being forced, by the very nature of the instrument which they wield, to be bad judges, bad magistrates, and bad citizens, in spite of themselves; while those of the lower class, placed by the same causes in habitual opposition to the

* Ellis’s Letters of History.

law, seem, by riot and plunder, but to fulfil their allotted destiny, and to perform *the base*, as it were, in that great concert of discord which reigns throughout;—the vulgar arrogance of the small gentry, so long encouraged by the despotism thus *put in commission* among them;—the low, circumventing cunning, which is the only peaccable weapon left to their victims, and which is so observable among the Greeks and other trampled-down nations, substituting the serpentine line of the slave for the straight-forward course of the freeman;—those habits of thoughtless and tasteless extravagance, which a long monopoly of the public purse engenders in the master, and that recklessness of comfort, and even of life, to which a long despair of justice reduces the slave:—all these are features, but too prominent in the condition of Ireland, to which a novelist might, in his portraitures of them, give unbounded variety of play. When we add, too, to all this, the lively temperament of the whole nation, and consider that, in the midst of this sea of turbulence, there is a continual phosphorescent sparkling of wit and humour going on, which would well justify the application of Cicero's words, "*Miraris, tam exhilaratam esse nostram servitutem,*"—when we take into account all these singular and various characteristics, it would be difficult to name any country in which the sketcher of human nature could expect to find more original subjects for his pencil, more mixture of lights and shadows, or more of that sort of picturesqueness, towards which (in morals as well as in painting), utility and order are the last ingredients requisite.

In literature, as in commerce, no sooner does a good field of speculation offer, than a crowd of competitors instantly hurries to take possession of it. At one time the rush of all the poets was towards the East, while the novelists did us the honour of flocking as gregariously to the North;—attracted, no doubt, by the bright example of him who is, in literature, "the observ'd of all observers," and who has contrived still to keep alive and blooming, in our cold clime, that garden which, Sophocles tells us, was planted among our predecessors, the Hyperboreans:—

παντὶ ἐπ' ἑσχατὰ χθονὸς,

Φοίβη τε παλαιὸν κῆπον.

At present Ireland bids fair to be the great mart of fiction; and as, from what we have just said, it may be concluded that the character of her people will bear working, somewhat better than her gold mines,—we may expect a sufficiently abundant product from that quarter. Indeed, there has been, as yet, but little time lost in the manufacture; as, within the last year, there

have appeared about a dozen Irish novels, and we observe, with some slight degree of alarm, that a still further supply has been announced.

The first of the works of this kind upon our list is, "To-day in Ireland,"—an affected title by the way, and (as in duty bound, perhaps), hardly English. The work consists of four separate stories; and the first of the series, "the Carders," exhibits powers of a very high order in this style of writing. As a picture, too, of Irish manners, and of the two extremes of Irish politics, (allowing, even here, for the unavoidable exaggeration of a novelist, who must always be "on the outer edge" of truth), its resemblance, particularly in the darker parts, is, we fear, but too faithful. The hero, young Dillon—the son of a Catholic gentleman of ancient family, who resides in one of the disturbed districts—in returning home one night, falls in with a party of those insurgents called "Carders," and, being wounded in the heel by the accidental discharge of one of their muskets, is carried off by them to their nocturnal place of rendezvous, and there, under the menace of instant death, is compelled to take the United Irishman's oath. The misfortunes that arise to him and to his family from this incident, form the leading circumstances of the story; and the personages introduced in the course of it are sketched with a vivacity and truth, which inclines us easily to believe what we have heard, that several of them are portraits from living subjects. Among this class, we have no doubt, is the Orange Parson—that worst of Ireland's plagues—that torment of his neighbour's religion and disgrace of his own. This sort of "sacred animal"—as the Egyptians called their crocodiles—is thus well described:

'The rider was lean as his steed, and was only prevented by his insignificant stature from answering the description of Don Quixote. His dress of rusty black, and long boots ungarnished by a top, bespoke the man (what scarce could have been guessed) a Cleric; whilst the pockets of his scanty spencer, weighed down as they half displayed a pair of moderate-sized pistols, seemed incongruous appendages to a minister of peace.

'Such, nevertheless, professed himself the Reverend Abraham Crostwhaite, the curate of a neighbouring parish, named Cappagh, ill peopled, it should seem with orthodox Christians; for Mr Crostwhaite having for the three first Sundays gone through the service addressing his dearly beloved brother, the clerk alone, shut up the church till better times, and cashiered the poor clerk as a useless expense to the parish. Why the clergyman should not have followed his utterer of responses, few could tell. But as the present rector could not conveniently reside in his parish, being, to tell the truth, comfortably immured within the walls of the King's Bench, Westmin-

ster, a most involuntary absentee!—he was obliged to pay a curate for the purpose of satisfying the Bishop's scruples, and occupying the ruined glebe. But the active spirit of Abraham Crostwhaite disdained a sinecure. If he could not be useful in one way, he was resolved to be so in another; so after getting drunk once or twice, and showing other equally Orange principles before a great man of the country, the Reverend gentleman was forthwith indulged with a Commission of the Peace for the county. If occupation was his object in thus superinducing a civil dignity over his clerical, he certainly attained it to his heart's content. No less than a dozen constituted informers contrived to introduce themselves to him, each with accounts of oaths, plots, and meditated massacres, that made Mr Crostwhaite's hair stand on end; and the eloquence of the lying rogues so wrought upon the magistrate, that his terrors duped him into a belief of all he heard—by the half too much, as all our proverb learned readers know. So far he was no hypocrite; and he firmly believed that the noble families of the F's and the E's, had actually staked their fate and fortunes in exciting country ragamuffins to burn haggards and torture wretches. Fired with whisky-punch and a few pages of Musgrave, many an eve would Mr Crostwhaite sally forth upon his garran, armed at all points—summon, by virtue of his commission, the unwilling soldiers to accompany him, and make his Majesty's farces patrol bogs, and bivouac in a roofless barn, without committing any further exploit on the march than challenging, perhaps a stray pig, or vainly searching a cow house for concealed arms.

The following description of an interview between this reverend person and an informer, who brings him intelligence of the swearing in of young Dillon, is a copy by no means, we believe, over-coloured, of one of those scenes which are continually passing on the tragi-comical theatre of Irish politics.

‘Mr Crostwhaite watched the embers of his fire and seemed lost in meditation,—certainly not like most of his brethren, on his next Sunday's sermon,—when a noise against the window startled him. It was the sound of shot or gravel thrown against the panes. Crostwhaite knew it as a friendly signal; but lest such should have been discovered and made use of by an enemy, he seized his arms and hurried up stairs to reconnoitre in safety the challenger below. Having thus satisfied himself of his man, by an interchange of words, he descended, secured the door of his kitchen against any interruption on the part of the old crone, his only domestic, and then cautiously unbarring his hall door, admitted a visitor, who, in his stocking feet, brogue in hand, stepped silently into the hall and was soon as silently conducted into the sanctum of the curate.’—‘A sod or two were soon flung on the hearth, a glass of whisky filled out for the comar, and his habits of reverence so far overcome that he was persuaded to seat himself on the corner of a chair.’—“Now Blaney,” said the curate, all anxiety, as he drew close to the peasant that sate before

him, "What's the news?"—"Mullens carded, sure."—"Indeed! was it with this you trudged over to Cappagh, as if you must not have heard that I was at Dunshaughlin myself, and cut the cords from the poor man's wrists?"—"Troth, an' I did not know your honour's reverence was there. But howsomdever, I júst come to axe, if there was a reward out, for if there be, I know a lad would like it, and as he's goin' to the Mericas, it would'nt be much matter."—"Come, my good fellow, none of this paltering: one of the boys, as you call them, peached before, in Delany's business—got more than half the money,—and not a word did he sware that he did not afterwards explain away before the judges. Could you not come forward yourself to do the gang's business, and let the gallows clear the country of 'em? you know your fortune would be made by the act."—"Arrah, what could I swear to, your reverence, yet a bit, but a little gathering, and discoursing, and the writing an odd scratch of a proclamation, or a Captain Carder's letter, may be? How could I come at any of the gentlefolk? an', if I did'nt, your worahip knows that, if a body swore sometimes, he would'nt be getting, after all, but a beggarly polishman's place, in swap for his character, his soul, and, tin to one, his life to boot."—"True, true, Blaney, something have, something do," said the Curate.

Here was a pause, which at length the clown broke, as he thought he had discovered the conditions which might lead to his being handsomely rewarded.

"If there was a daecnt murder, your worship, I'm thinking it might be worth a body's while to come forward."—"A decent murder!" repeated Mr Crostwhaite with a smile; "fie, fie, Blaney!—But you are nevertheless very right in supposing that the time for coming forward to advantage would be after some shocking act of the kind, that would stir up at once pople's fears for themselves, and their gratitude towards their defenders. For this reason, I think you had better lie by;—taking up and prosecuting now could at best end but in a few transportations. Besidea, Mullen's as rank a Papist as any of ye, and deserves it.

"Then, might I be after asking you, Mr Crostwhaite," continued the insinuating informer, "if ye thought of speaking to his Lordship, as ye promised, about the bit 'rear of rint that we was owing since last Lady Day come twelvemonth?"—"Yes, I mentioned it to him."—"Troth, then, it's mighty quarc that the agent was threatening us this very day to drive, if we didn't out with the money—an impossible thing, your Reverence knows, these mortal hard times."—"Mighty queer, truly, Mister Blaney, that an agent should press for rent due a full year and a half."—"Ay, but when a body sells his kith and kin, as I do, to your honour and the magistrates, who ever heard of his being axed for rint?"—"And, pray, what tidings have you brought

us ever worth your rent? I can tell you, our last night's bootless ride has angered his Lordship against you; and you must down with the rent, or—its value, Blaney,—you understand me?"—"Ye want it in blood, then?" answered the informer; 'and yet didn't you a while ago bid me lie by?'—"Yes, and bid you still. It is not blood we look for yet at your hands, but a hint; some sound and solid fact, an emissary's or a leader's name, that we may watch him and know how to trust you."—"Could your Reverence, think you, give me, in your own hand-writing, a promise that I wouldn't be bother'd for the rint?"—"I could."—"Then, if your honour will, I'll out plump with a pretty thing—nne that will glad your heart."—"Glad my heart!—what do you mean?"—"I mane the name of a gintleman born and bred, and sworn with us—that's what it is."—"Who is he, first?"—"No, no, by my s—, I'll be quit with the rint, afore I blab a syllable."—"Well, then, you shall have it,—but if you deceive me——"

"Blaney stood brogues in hand, ready to depart.—"Who is he?" repeated the Curate.—"It's young Dillon of the Grange," quoth the too veracious informer; "he's a sworn man, as true as I am! and, by the cross of that," continued he, kissing his two forefingers, "I'll spake not another word the night."

Another portrait in this story is, as we understand, Lord Castletown Belville, one of those new created Peers—those 'imagines subitæ,'—whose spick and span coronets shine out in the Irish Peerage, labelled over with the items of the services by which they acquired them. Juvenal says that Nobility, in unworthy hands, is but a torch held forth to throw a lustre over shame;—but this comparison is too dignified for the Castletown Belvilles of the Peerage, whose rush-light nobility scarce throws even a glimmer of glory over the small iniquities in which it had its origin. A creature of this kind is thus introduced.

'It was some distance from Cappagh to the seat of the Peer, and mid-day had already burst forth from its veil of clouds, and shed a momentary gleam upon the woods of Belville, when Mr Crostwhaito was admitted through the newly-crected gate-way that graced the entry to the domain. A modern avenue led circuitously through lawn and grove, over factitious lake and ornamented bridge, and at length displayed the plaster towers and turrets of Castle Belville, rearing themselves in all the glory of Roman cement, masking the old attic windows of the ancient mansion and its huge old chimneys, now dismantled,—and deservedly so, since they had ceased to send forth the voluminous vapours of the once hospitable kitchen. The architecture of the Castle was the newest mixture of the Grecian and the Gothic; and windows, square and modern, that might have graced a mansion in the west of London, stood oddly by the side of Gothic portal, vaulted and fretted, and that would have served as

no unapt entry to a monastery in the days of St Colomb or St Patrick.

‘A man certainly of refined and various taste was his Lordship; whose hobby-horse was this his feudal fortress, strong in mock loopholes, plaster bartizan and turret, against the hostile clans of Carders and White-boys, that menaced the Chief in his castle. So great were, either his Lordship’s terrors or his love for the picturesque, that he had obtained permission, through his very good friend the Secretary of State, to have a guard stationed in his castle, by which means he was enabled to plant a sentinel on his ramparts;—an actual live man in red, with a real musket, instead of the wooden, well painted figure of a Highlander, with appropriate firelock, which it had been the Peer’s intention there to erect. In short, a happier man could not be (not excepting my uncle Toby himself), than was the Lord Castletown Belville in his gingerbread castle, his terrors, his soldiers, and his Commission of the Peace. There he harried himself o’ nights, and walked his ramparts like a noble brigand of the Apennines in the brain of Mrs Radcliffe; thence he issued upon such daring expeditions as we have described; and from thence were dated his important dispatches to the Viceroy of Ireland, who affected all deference in return, if not to the Peer’s activity, at least to his influence, as Lord of the only borough in that part of the kingdom.’

The other stories in this work are far inferior to ‘the Carders;’—with the exception, perhaps, of ‘Old and New Light,’ in which the mischiefs produced among a people like the Irish, by the officiousness of Saints and Bible Missionaries is, with considerable ability and humour, exposed. Indeed, however excellent may be the intentions of those worthy disturbers of the peace, their evangelical labours have, as far as we can learn, produced nothing as yet, but what there is already an abundant crop of in Ireland, without their help—speechifying and discord.

The work next on our list—‘Tales of the O’Hara Family’—is, perhaps, the most powerful, altogether, of this whole class of Irish Novels. There is a vigour and raciness in every page, which atones for much of exaggeration and bad taste. The genius of the writer, like that irregular offspring of fire, the *Potheen* of his native land, has not only a strength, but a wildness of flavour about it, which it would be in vain to look for in productions more amenable to the gange of criticism. What he gives is Irish Falernum, but it is also the *sumosum* Falernum. It is, indeed, one of the great merits of this work that the portraits from low life, which it contains, have been evidently sat for on the spot;—the humour comes authentic from the very source, without having gone through any refining process on the way, and, though the author shows occasionally that he can

write with much elegance and sweetness, there is, in general, a *ton de brigand* assumed in his style, which throws an air of truth and authority over his White-Boy recitals.

The first of these Tales, 'Crohore of the Bill-hook,' is that which, we believe, is most admired in Ireland. To enter, however, with due sympathy, into this wild and striking story, it would be necessary to come prepared with a much fuller knowledge of the condition, habits, and modes of expression of the lower orders of Irish (among whom the adventures entirely lie), than could be expected from a mere English reader. There is also, at the very outset, a degree of violence in the incidents, which inclines persons, who have often been taken in by this cheap mode of producing effects, to pause with suspicion on the threshold of a novel, which opens with no less a supply of the terrible than three murders and an abduction—all performed by the same master-hand. The rest of the narrative is entirely occupied with the pursuit and the escapes of the supposed perpetrator of these horrors, in whom the faculty of Sir Boyle Roche's bird—that of 'being in two places at once'—is multiplied beyond the usual privilege of ubiquity in heroes. Mystifications and apparitions succeed each other rapidly—a train of wonders is laid which explode in nothing, and the only solution given of all the marvels that have happened, is one still more marvellous and insoluble than any, namely, that the murders, instead of being perpetrated by the person most marked out, both by disposition and circumstances, for such a deed, have been committed by a jovial, good-humoured young fellow, of whom nobody entertained the slightest suspicion, and whose motives were far from being proportionate to the instigation of any such crime. Notwithstanding, however, these defects of the story, 'Crohore of the Bill-hook' is an original and powerful production; and to those who can read with facility, the humorous jargon of the lower orders of Irish, must be as full of amusement as it is of picturesqueness and interest. We have looked in vain for any passage sufficiently detached from the narrative, to admit of being *framed* as a specimen of the whole. We shall be happy, however, if we have so far excited the curiosity of the reader, as to induce him to form his own opinion at the fountainhead. Should he be deterred by the interspersions of Irish, and of phrases not at least English, through the dialogue, let him turn to the tale of 'John Doe,' in the last volume, where he will find, with less of these interruptions, a story, to our taste, far more interesting, and yet with the same vigour of touch, truth of costume and vividness of colouring, which are so remarkable in 'Crohore,' and which render this

author one of the most masterly painters of national character that have yet appeared in Ireland.

In closing the volume, we cannot resist giving the following anecdote, which, as a caricature of the difficulties that the Irish Protestant clergyman sometimes encounters in finding even a 'dearly beloved Roger' to respond to his prayers, will, we think, amuse the reader.

'It is a Protestant Church, where the beneficed clergyman reads prayers, as Swift often did, to one old lady who lives near, and,—if the roads be good,—to two. Sometimes, indeed, the clergyman's clerk represents, in a large and cold church, the imaginary congregation of the parish. Nay, O'Clery gravely asserts that, upon a particular occasion, even this parliamentary kind of representation ceased. His story is, that the old clerk died of a pleurisy, caught during a winter's attendance in the damp and deserted building, and that, for three months, as there was no second Protestant of his rank in the parish, his office remained vacant. Some bungling endeavour at a schismatic substitute was, however, made; a young Popish peasant, attracted by the salary, promised to attend; but, as the fear of a long penance, and, I believe, everlasting damnation to boot, forbade him to be present at heretical ceremonies, he contrived to reconcile his conscience to his interests in the following manner. During service, the fellow walked outside of the church, spelling the tomb-stones, or whistling an Irish ditty; it was conceded that, when the clergyman came to any part that required the response of a clerk, he should ejaculate "hem!"—and at this signal the young man ran to the church-door, thrust in his head, and, having roared out "Amen," returned to his private amusements, and so got through the service.'

The novel entitled '*O'Hara or 1798*,' relies for its chief interest, as may be guessed from the title, on the connection of its personages with that memorable rebellion which Protestant republicanism loaded to the muzzle, but to which Catholic bigotry applied the match. Major O'Hara, with whose history the greater part of the first volume is occupied, having served in the American war, returns to his paternal seat in Ireland; and, during the period of the volunteers and the few interesting years that follow, takes an active and distinguished part in the political movements of the day. Being an intimate friend of Lord Edward Fitzstephen, (under which name the author has sketched the character of the gallant and unfortunate Lord Edward Fitzgerald), Major O'Hara becomes so far implicated in the political designs of that nobleman, as to draw down upon himself the signal vengeance of Government: and, being brought to trial under the insurrection law, he is, upon the testimony of a perjured informer, found guilty and executed. His

son Henry O'Hara, who is now properly the hero of the work, full of vengeance and despair, joins the ranks of the rebels, and, having distinguished himself as a leader in the fatal battles of Autrim and Ballinahinch, escapes after a variety of adventures to France. The following description of a rebel encampment is, we believe, as correct as it is curious.

'The position chosen by the rebel leaders was rather beautiful than strong. On the crest of an eminence, covered with the freshest verdure, their forces were bivouacked; and as some pains had been taken to introduce at least the semblance of military regularity, the appearance of their line was not uninteresting. The absence of the requisites for encamping was little felt, the weather being dry and sultry; and the friends of those on the hill had sent ample supplies for the revolutionary commissariat. Strong pickets were advanced along their front, and some of the youthful leaders were indefatigable in using precautionary measures against surprise. On the flanks of their position, cannon, formerly belonging to the volunteers (which had hitherto been concealed from the searches of the Royalists), were mounted.

'The rear of the rebel forces presented a very different scene. Booths similar to those erected at Irish fairs and patterns, were frequent. In these some were drinking, and others dancing to the music of the itinerant harpers and pipers, who had flocked in numbers to the camp. Cattle were plentifully slaughtered; and the profusion and hilarity of the scene had more the appearance of a rustic gala, than the assemblage of a band of patriots, about to strike for life and liberty. By one road, a flock of sheep were brought in; by another a string of men, armed and unarmed, were advancing. One car came, loaded with a cask of powder, and the next with a keg of whisky. A hundred voices were calling to each other, and had the fate of nations depended on producing a given person, no one could probably have named the place where he might be found.

Yet, mob-like as was the appearance of the insurgents, there were materials among them, had they been duly properly employed, adequate to effect the most important objects. Of the thousands on the hill, doubtless a great majority was drawn thither by the novelty of the business. Some had collected from curiosity—more from compulsion—the prospect of good cheer had induced some—a hope of plunder had instigated others—one had been brought by his wife, and a second been persuaded by his neighbour—a few, however, came there seeking freedom, and freedom only; and many a breast in the crowd had devotion within it, to have filled a rank in the Pass of Thermopylæ! These men, indeed, were to be dreaded: the overwhelming advantage of martial discipline did not deter them from striking for victory; and the alternative in defeat, the scaffold, had not terror to appal them from the bold attempt.

'As the afternoon approached, the rebel videttes came frequently

n, announcing the march of the Royal army. Each fresh report of their advance had very contrary effects on the hearers. Some received it with cool, determined resolution; some with indifference; and others with evident alarm. A few dropping shots turned the eyes of all to the road by which the King's troops were expected.'

The love affairs of this novel have, at least, some degree of novelty to recommend them. The hero, young O'Hara—like the man in Xenophon with a pair of souls—has two loves, which alternately occupy his heart, without interfering at all inconveniently with each other. In escaping from the field of battle with a life forfeited to the scaffold, he finds his way to a secluded garden pavilion, the favourite haunt of one of these fair objects of his affection, who had been forced, during his absence to marry his most inveterate enemy. Here in this luxurious retreat, he lies concealed from every eye, and before long, takes revenge upon the Orange husband, in a way somewhat too circumstantially described for the purity of modern taste. At length, however, this confinement, however agreeable, becoming irksome to him; he contrives to open a communication with some of his followers; and, one star-light night, leaving a valedictory note for his mistress, jumps out of the window. He then makes his way through many dangers to the sea-coast, where, lucky rebel! he finds not only a smuggling vessel ready to receive him, but his other mistress, (Lady Constance Loftus!) waiting for him on the shore, and determined to be the companion of his exile. A Dissenting minister, also a rebel, being conveniently among the passengers, the marriage between the young United Irishman and Lady Constance is performed before they embark, the captain of the smuggler exclaiming, as he well might, on seeing the whole party kneel down upon the sand. 'An' it 'be not prayers they are at! was ever the like known in a civilized country?'

All this we confess, sounds ridiculous enough; but the novel on the whole, has considerable merit, the style is unaffected and lively, and the feeling throughout is, in the best sense of the word, Irish.

The author of 'the Adventurers'—the most recently published of any of these novels—has gone, for his events and personages, as far back as the reign of Elizabeth; and, in this respect, the sameness of the policy pursued towards Ireland for so many centuries, offers an advantage to the novelist, which he would in vain look for in those happier countries, that have been suffered to keep pace with the civilization of the rest of the world. His portraits of past times are sure to have no antiquated air about them; and he may enjoy at once the safety

of dealing with dead personages and the advantage of a direct application to the living. Indeed, if the Seven Sleepers, whose slumber, we are told, began during the persecuting reign of Decius, and lasted two hundred years, had taken a nap of the same duration in Ireland, they would have found no very great change to astonish them at the end of it. Going to sleep in one persecution, they would most probably have awakened in another;—they would have found the government and the people by the ears, just as they had left them,—and the former as wrong-headed and the latter as miserable as ever.

Of this parallel between past and present times the author of ‘the Adventurers’ has very skilfully availed himself; and in the old system of *trimming* between the Irish and English interests, (always to the ruin of both), which was pursued by some of the Deputies of Elizabeth’s reign, has shown us the prototype of that strange compromise between Orangeism and Liberalism, which forms the principle of the Irish Government at present; and which has been well described as, at one time, an orange coat with green facings, and at another, a green coat, faced (as it is just now) with orange.

The great O’Neil, the first Earl of Tyrone, is the hero of the novel; and the long labyrinth of adventures in which he and the other personages are involved, is chequered throughout by all that variety of chivalry, gaiety and fierceness, which marks the character of the singular people among whom the story is laid. The descriptions of Irish scenery through these volumes are touched with the hand of a poet; and the images by which the style is enlivened are, in general, happy,—though sometimes, it must be owned, chargeable with that superfinery of phrase and thought, to which the Irish—who were *image-worshippers* in style as well as in religion—are but too much addicted.

The following exploit, which is here attributed to the hero, O’Neil, would have been too incredible even for a romance, if the history, not of Ireland, but of France, had not borne full testimony to its truth—the narration being little more than copied (as the author had better, perhaps, have acknowledged) from the account given by Sully of the retaking of Fescamp by Bois-rosé. The object, in the novel, is to surprise the Castle of Carriekrohan, which is described as standing on an eminence over the sea; and the sentinel who was to be on guard at night in the upper chamber of the Castle, having agreed to let down a ladder of ropes from the window that opened upon the water, a detachment headed by Bagual (to whom O’Neil gave prece-

dence in the enterprise) are thus described as having availed themselves of this perilous mode of escalade:—

‘ The next night was waited for impatiently by the whole detachment. The day had been stormy, and the sloop was compelled to stand out to sea; but towards evening the wind fell, and she resumed her former station. The moon also hid her countenance, ‘as if intending to favour the enterprise. The surface of the water was still rough with the breeze of the morning, when the sloop (every light below the hatches) stood in under the Castle walls. The long boat was manned with the bravest spirits of the army, including Bagnal and O’Neill, and they proceeded close in shore, observing the most perfect silence, to wait the midnight watch. It was very dark, and now and then a rough puff of wind showed that the weather was not settled. The surge dashed violently against the rocks under the Castle, and the boat kept its position with difficulty. All on board were wet to the skin. At length the midnight watch was sounded in the Castle, and as the last notes of the trumpet died away in melancholy cadences, every heart beat with emotions of anxiety, somewhat akin to apprehension or terror. It was that feeling which the stoutest heart experiences, when on the eve of some perilous adventure;—the thrill of nature when about to encounter fate.

‘ All again was silence; and every eye was directed to the window whence the expected ladder was to descend; but in the thick darkness nothing was visible. After another short period of expectation and anxiety, a faint light in the Castle window was discerned, and in a little while something was plainly seen descending. In a few minutes the ladder waved over their heads, and was seized by O’Neill and made fast in the boat. He now tried its strength by ascending some steps, and then descended to give precedence to the leader of the enterprise. Bagnal, after a short conference, ordered two of his best soldiers to ascend the ladder; these he followed himself, and after him went four men, with O’Neill bringing up the rear. They ascended very slowly.

‘ They were about half way up, or near it, when the moon, which had not yet appeared, made her way through the clouds, as if to look at this strange experiment. The ladder did not hang immediately from the window, but was projected by some means, so as to hang at a little distance from the Castle wall. The light of the moon, as it now shone brightly, showed the adventurers all the terrors of their situation. The space above them, which was yet to be ascended, appeared of appalling height, and the pendulous ladder swung fearfully. But the party continued undauntedly to ascend, until the splash of oars told them that the boat had left the bottom of the ladder, and, on looking down, they beheld it, in fact, in the moonlight, moving away towards the sloop. This, which they did not expect, till they had gained the window, struck them as something awful and terri-

ble.* Above them was the enemy, and beneath was the roaring element. While those thoughts passed in the men's minds, the wind rose and swept round the Castle in fitful gusts, accompanied with showers of rain, which lashed the Castle walls as if in anger; while the sea answered to the voice of the storm as to a master-spirit, which it was bound to obey. It was now a night which might shake a firm heart even in an ordinary situation. The men halted. The terrors of their position had benumbed their hearts. Bagnal strove to encourage his leaders, but they would not move. Panic had gained full possession of them.

After a short pause, O'Neill urged the danger of further delay, and Bagnal renewed his commands and entreaties to proceed. But the men had become refractory and furious in their fright, and, under the influence of that inexplicable effect of terror, which leads men to rush upon certain destruction in their efforts to escape from doubtful danger, they threatened to cut the rope upon which they were all suspended, and to suffer the whole party to drop into the sea. Dissension and defiance of authority added to the horrors of their situation. While they hung thus upon the rope, the storm increased, and flung them about as a feather; and the lightning, which now mingled in the blast, and sometimes spread round the castle a vesture of fire, brought with it a new danger,—that of discovery.

The men were still intractable, and Bagnal appeared to be in despair; when O'Neill, desiring the man before him to stand fast,

* To enable the reader to compare the novelist with the historian, we shall give an extract from Sully's narrative;—the rock of l'escamp, he tells us, was six hundred feet above the sea, and the scaling party consisted of fifty persons:—

Qu'on se represente au naturel ces cinquante hommes suspendus entre le Ciel et la Terre, au milieu des ténèbres, ne tenans qu'à une machine si peu sûre qu'un léger manque de précaution, la trahison d'un soldat mercenaire, ou la moindre peur pouvoit les précipiter dans les abîmes de la mer, ou les écraser sur les rochers. Qu'on y joigne la bruit des vagues, la hauteur du rocher, la lassitude et l'épuisement; il y avoit dans tout cela de quoi faire tourner la tête la plus assurée de la troupe,—comme elle commença, en eût à tourner à celui-la même qui la conduisoit. Ce sergent dit à ceux qui le suivoient qu'il ne pouvoit plus monter, & que le cœur lui faillait. Bois-rosé, à qui ce discours doit passer de bouche en bouche, et qui s'en appercevoit, parce qu'on n'avançoit plus, prend son parti sans balancer. Il passe par dessus le corps de tous les cinquante qui le précédent, en les avertissant de se tenir fermes, et arrive jusqu'au premier, qu'il essaye d'abord de ranimer. Voyant que par la douceur il ne peut en venir à bout, il l'oblige, le poignard dans les reins, de monter, et sans doute que s'il n'eût obéi, il l'auroit poignardé et précipité dans la mer.

clambered over his shoulders, and passed him. Having achieved this with success, he tried the second, and the third, and finally passing over the heads of the whole party, he found himself foremost on the ladder; and ascending rapidly, soon gained the Castle window. In an instant, as if by magic, the terror of the soldiers passed away, and they all followed their intrepid leader. A few minutes more placed them in safety in the chamber where Callaghan waited their arrival.'

We would gladly have adverted to a few more of these productions of the sister country,—particularly to a work entitled 'Fairy Legends of the South of Ireland,' through which there is a considerable sprinkling of Irish fun and fancy, and where the humorous idiom of the lower orders is preserved, unencumbered by those difficulties of orthography and Celtic, which puzzle the readers of 'Crohore of the Bill-hook;'—but we have already devoted sufficient space to the subject. We cannot, however, conclude, without remarking, as a point of far more importance than even the merits of a novel, that throughout all the works which we have noticed in this article,—written as they are, by men of no ordinary talent, and exhibiting on the part of some of them, a knowledge of Irish character, which shows that they have turned up the soil from its very depths,—the same feeling and opinion predominate with regard to the cause of the misfortunes of that country; the same deep-felt conviction that, without the removal of that bar of disqualification, under which the great mass of her people lies, there can never be either peace for Ireland, or safety for the Empire! It is pleasant, after ages of bad romance in politics, to find thus, at last, good politics in romances.

We have not yet heard that any *Orange Novels* have been administered as an antidote to these liberal productions; but we should like much to see the experiment tried. Some of those Reverend persons, who have shown themselves so meritoriously ready, at every beck of their employers, for all possible services, will surely take up the gauntlet of romance in their behalf, and show how far Tithes and Church-rates may be made matters of sentiment. The author of the *Ethiopica* has proved, not only that a Bishop can write a romance,—but still more wonderful—that he can prefer his romance to his bishoprick;* and though neither of these achievements can be expected from any of the Irish Bench, there are subalterns in plenty to whom the task might be delegated.

* See Bayle, Art. Heliodore.

ART. VI. 1. *Journal of a Residence in the Burmhan Empire, and more particularly at the Court of Amarapoorah.* By CAPTAIN HARIM COX. 1821.

2. *Annals of Oriental Literature.* 1820.

3. *The Calcutta Government Gazette.* 1823-24.

THE progress of Conquest and Commerce has at length brought us into contact with the almost unknown tribes that inhabit that fair and fertile portion of Southern Asia which extends between Hindustan and China. Having been fortunate enough to get access to some original sources of information, we propose now to lay before our readers a slight and hasty sketch of the state and capabilities of this interesting region.

The Hindu Chinese countries extend from about the longitude of 92° to 108° East, and from the latitude of 7° to 26' North, being bounded by Bengal to the north-west—by Bontan and China to the north—by China to the north-east, and surrounded in every other direction by the Ocean, with the exception of the narrow isthmus to the South, which divides them from the Malayan Peninsula.

The inhabitants of this extensive region, while on their eastern and western borders they approximate in many particulars to their neighbours the Chinese and Hindus, have yet a general and distinctive character pervading the whole, and obviously marking them out as one of those great groups, or families of nations, into which our species is divided. This indeed is sufficiently indicated by the similarity of their physical form and stature—by the cognation and kindred genius of their language—by common manners and institutions—by a common religion, and in general, amongst the dominant and leading tribes, by a common standard and measure of civilization. The wars and revolutions of this remote race have in all known times been confined, almost without exception, among themselves.—They have not been invaded or subdued, like almost all the rest of the world, by hordes of distant strangers—an advantage, or perhaps a disadvantage, which they probably owe to the physical and geographical difficulties of the countries they inhabit.

The Hindu Chinese, in their different divisions, exhibit very various degrees of civilization; some being mere savages, and others, in point of attainment, standing in the second class among Asiatic nations. In the highest rank certainly, beginning our enumeration from west to east, may be placed the

Burmans, the Peguans, the Siamese, the people of Lao, the Kambojans, and the Anam, comprehending the two nations called by us Cochin Chinese and Tonquinese. In the second rank stand the lesser nations bordering upon Hindustan,—Assam, Cachar, Cassay, and Aracan; and of the lowest order are a multitude of savage or semibarbarous tribes, of whom the catalogue is too numerous for insertion—tribes in all periods, either the slaves of the leading races, or only escaping servitude in the recesses of barren mountains and inhospitable forests.

During the whole of the three centuries that Europeans have been acquainted with these nations, they have waged among themselves, without the aid or instigation of strangers, as active and unremitting a course of hostility and devastation—as bloody and revolting a warfare, for conquest and revenge, as any on the records of the world. In this strife, there has been a perpetual oscillation of advantages and defeats, and of conquest and subjugation, in which the Burmans, the Peguans, the Siamese, and Kambojans have alternately taken the lead, but in which the Tonquinese and Cochin Chinese, though warring actively with each other, or repelling the invasions of the Chinese, have, till lately, taken but little part. About thirty years ago, one of those violent and protracted paroxysms to which these countries have in all times been exposed, subsided at last from the exhaustion of the parties, and left behind it the political arrangement which now subsists, and by which the whole of this region is divided into the three great Empires, of which we now propose to give a hasty account.

Beginning from the west, the first of these empires is that of the Burmans. The original country of this people lies between the 19th and 24th degrees of north latitude, and between the 95th and 98th of east longitude; but their empire now comprehends also the subject kingdoms of Pegue and Aracan, and the lesser principalities of Assam, Cachar, and Cassay. In a central and southerly direction, it borders upon the country of the Siamese, between the 22d and 23d degrees of latitude; but the Burman conquests from the latter people run along the coast of the Bay of Bengal, in a narrow strip of from 50 to 80 miles, down to the 11th degree of north latitude. It may be estimated to contain, in round numbers, about 212,000 square geographical miles. The history of Burman conquest is shortly told. This people, the most restless and ambitious of the Hindu Chinese tribes, were found by the Portuguese, not many years after their arrival in India, engaged in a contest with the Peguans, from whose yoke they had

just escaped. They speedily subjugated this people, and pushed their conquests and devastations to the south, where they wrested many provinces from the Siamese, without being able to accomplish their subjugation. Towards the middle of the 18th century, the Peguans recovered their independence, and inflicting upon the Burmans a yoke equally severe with that from which they themselves had escaped. This state of things continued but a few years, when Alompra, a Burman freebooter, of ferocious character and manners, whom Colonel Symes, with some ingenuity and more good nature, has raised to the rank of a hero, emancipated the Burmans from the yoke of the Peguans, and founded the reigning dynasty, of whom the present king is the seventh in the order of succession. In 1767 the capital of Siam was captured; but in the following year the Siamese rose upon the Burmans, and expelled them from the kingdom, leaving them nothing but the frontier provinces on the Bay of Bengal, already mentioned. In 1774, the country of Cassay was conquered; and in 1783 the kingdom of Aracan, which brought the Burmans for the first time into collision with the British power, an event which has in fact led to the war in which we are now engaged.

The Empire of the Burmans, as thus described, has a sea-coast of 900 miles in extent, containing two fine harbours, those of Mergin and Tavoy, respectively in the latitudes of 12 and 14 degrees, and the accessible *embouchures* of no less than six great navigable rivers, which water extensive and alluvial plains. A considerable part of the country is fertile in corn. Its forests afford the most ample supply of teak of any part of India, and for years have supplied materials for the construction of many fine ships in the port of Rangoon, as well as furnished the arsenals and dockyards of Madras and Calcutta. The northern parts of the empire, though inferior in fertility to the southern, are productive in mineral wealth, and afford gold, silver, iron, and tin. The true Oriental sapphire and ruby exist no where in such perfection and abundance as in the dominions of Ava.

The Population of this extensive kingdom has been estimated on little else than conjecture. Colonel Symes reported it at seventeen millions—which subsequent inquirers reduced to about eight, and the most recent accounts to little more than three. The first of these estimates is certainly exaggerated, and the last, we are persuaded, much underrated. That the population is not of great density, it is reasonable to infer, from the badness of the government and the consequent misery of the people. Much of the territory is known also to be covered with for-

ests, and to consist of impracticable mountains—some is inhabited by rude tribes without industry, and the most civilized of its inhabitants live in a state of anarchy and misrule, destructive of all those peaceful and industrious habits which alone can generate or maintain a numerous population. Taking these circumstances into calculation, and comparing the Burman empire with states in a similar condition, and with a similar climate, of which the number of inhabitants has been better ascertained, we feel inclined to estimate its population not higher than thirty to a square mile, which gives a total of between six and seven millions of inhabitants.

The second Hindu-Chinese Empire is that of the Siamese, which may be described as extending from the 98th to the 105th degree of east longitude, and from the 22d to the 7th degree of north latitude; or, if we include the Malayan tributaries, even down to the 4th degree. Taking it in its widest limits, it will be found more extensive than the Burman territory, and to contain an area of at least 250,000 square miles. The dominant, as well as the most numerous and civilized race, are the people usually called Siamese by strangers, and by themselves Thai, whose proper country extends from the 7th to the 16th degree of north latitude, and from the 98th to the 108d of east longitude, comprehending more especially the fertile and extensive plains and valleys of the river Menam. The subject nations consist of six Malayan principalities—the kingdom of Lao, not less fertile or populous than Siam itself—a portion of Kamboja, and a small part of the ancient Peguan dominions. The Siamese territory is bounded to the west by the Burman dominions or the sea—to the north by the Burman dominions and the Chinese province of Yunan—to the east every where, by the Cochin Chinese empire, and to the south by the sea, or the newly acquired British territories on the Malayan Peninsula. On the Bay of Bengal, Siam has the fine harbour of Junk Ceylon. About six parts out of seven of the coast of the Gulf of Siam belong to it, the eastern shore of which abounds with sheltered roads or fine harbours. The country is watered by two fine rivers, the Menam or river of Siam, and the great river of Kamboja. The first of these, which has a course of 800 miles, disembogues itself at the head of the gulf, after passing through a tract of singular fertility. The river of Kamboja, one of the largest in Asia, has its source in the mountains of Yunan in China, disembogues itself near the Cupe of Kamboja, between the 9th and 10th degrees of north latitude, and has a course of full 1500 miles, all tropical, and the greater part of it within the Siamese terri-

tories. This river, like the last, gives fertility and plenty to the countries through which it passes, and which are equal in productiveness to any lands within the tropics. Siam and its tributary states are distinguished alike for the variety and abundance of their mineral and vegetable wealth. The dependent Malayan states and adjacent portions of the proper Siamese territory are throughout rich in gold and tin. The latter contains some of the richest iron ores in the world, besides copper, lead, and antimony. The forests of the north-western portion of the kingdom supply teak in great abundance, besides lac and dye-woods. The alluvial lands furnish ample harvests of rice and sugar-cane;—the eastern coast of the gulf, including the dependent portion of Kamhoja, black pepper, cardamums, and the yellow drug and pigment, which takes its European name from the last mentioned country. The shores, at the head of the gulf, afford a cheap and constant supply of bay-salt, which not only furnishes the whole interior of the kingdom with this necessary article, but also all the adjacent countries, and some of the principal islands of the neighbouring archipelago. Assuming that the territory of Siam is equal in fertility to that of Ava, and knowing, in general, that the people have the same share of industry with the Burmans, and that, during the last forty years at least, they have been governed with a good deal more moderation than that people, it is reasonable to believe, that the country is equally populous. If it be so, its area will give between seven and eight millions of inhabitants, which is probably the full amount of its population.

The authentic history of the Siamese is of no remote antiquity. They carry, indeed, their own story no further back than the middle of the 8th century of the Christian era; but, in truth, the only facts of it, which can be depended upon, are told by the Portuguese, who became acquainted with them in the commencement of the 16th century. About the middle of that age, the Burmans conquered Siam, and held it in subjection for near thirty years; when they were driven from it by an insurrection, similar in many respects to that which took place nearly in our own times. In 1612, the English made their first acquaintance with Siam, their intercourse being entirely of a commercial character. In 1621, the Dominican and Franciscan Monks found their way into the kingdom, and were followed, in 1662, by the French Jesuits. In 1683, we find a Greek adventurer of the island of Cephalonia, the son of an inn-keeper, and once a scrivener in the employ of our East India Company, first Minister of Siam, and swaying the destinies of that distant kingdom. By the advice of this individual, and the

intrigues of the Jesuits, the Siamese Monarch sent an embassy to Louis XIV., which, on its way to France, stopped for a time at the British capital, and there concluded a commercial treaty with the Ministers of James II. In 1685 and 1687, the French King, in his turn, sent two embassies to his brother of Siam; and with the last of them, a squadron of men-of-war, and a force of 500 European soldiers. The two principal fortresses of the kingdom were placed in the hands of these forces; and Siam was upon the point of becoming a French province; but the arrogance of the European soldiery, and the pride of the Greek Minister, brought about a revolution, in the issue of which the French were expelled the kingdom, the Minister lost his life, and the reigning family the throne. For 130 years after this singular event, and down to the present time, European nations held little connexion with Siam, beyond a paltry commerce from some parts of their Indian settlements, and some feeble efforts to propagate Christianity. The Burman invasions, in the middle of the last century, which have left Siam in its present condition, have already been noticed. Siam, since this period, has made large acquisitions on the side of Lao and Kamboja, admitted Chinese immigration, and carried its commercial intercourse with China to an extent unknown in any former periods of its history.

The empire of Cochin China, the third and last Hindu Chinese state, extends from nearly the 8th to the 22d degree of north latitude, and from the 103d to the 108th degree of east longitude. Its greatest breadth is at its northern and southern extremities, where, however, it does not exceed 180 miles, and in the middle it is a narrow strip, bounded by the sea and the mountains of Lao. This central portion, extending from the 11th to the 18th degree of north latitude, is the proper country of Cochin China. Its conquered provinces are Tonquin, Champa, and the principal portion of Kamboja. This kingdom, either within the gulf of Siam or Tonquin, or on the China sea, has an extent of 1200 miles of coast, containing, besides those within the islands, no fewer than nine of the safest and most spacious harbours in the world, and the *embouchures* of five navigable rivers. The first of the rivers is that of Kamboja, already mentioned. The second is that of Sai-gon, which falls into the sea at Cape Saint James's, between the 10th and 11th degrees of north latitude, and is unquestionably the finest navigable river in Asia, since it is free from all dangers, and deep enough to be navigable for ships of the line for 50 miles from the sea. The third is that of Hué, the capital, much inferior to the two last in size—somewhat difficult of access, but, when

entered, spreading into a wide basin, which affords a safe and commodious harbour. The fourth is the river of Tonquin, which, originating in the mountains of China, has a course of 400 miles, passing through a country of extraordinary fertility in corn, and watering the walls of the extensive city of Cachow, a place with which the nations of Europe maintained a considerable and promising commerce during the latter part of the 17th century. The fifth river is that of Athien, less considerable than any of the others, which falls into the gulf of Siam, and was once the seat of some European commerce, being the route to the ancient capital and central parts of the kingdom of Kamboja. Cochin China, although perhaps inferior in this respect to Siam, is a country exceedingly productive, both in vegetable and mineral wealth. Kamboja and Tonquin are eminently fruitful in corn, in valuable timber, although it does not produce the teak tree, and in drugs. The last mentioned country has valuable mines of gold, silver, and iron, and Cochin China proper affords the true cinnamon, more prized by the Chinese than that of Ceylon; sugar, salt, and together with Tonquin a considerable produce of raw silk, which under the wise commercial arrangements of our present administration promises to become available for our home manufactures.

The area of the Cochin Chinese dominions is much smaller than that either of Siam or Ava, and probably does not exceed 100,000 square miles. There is no question, however, but that it is proportionally more populous. Bissacere, the latest writer who has treated of this country, gives the number of its inhabitants at 23,000,000, which would give 234 to the square mile, a statement not to be credited by any one who has been in the habit of considering such questions, and who has observed the physical aspect of a great portion of this kingdom, and given due attention to the badness of the government and the absence of industrious habits in the people. We have heard the population reckoned at ten millions by better informed persons; but probably even this is considerably exaggerated. The superior population of the Cochin Chinese empire is mainly owing to the density of that of Tonquin, the extensive and fertile plains of which are admitted by observers of all ages to be very thickly inhabited.

The details of the revolution which ended in the establishment of this extensive and singular power, are as follows:—Its principal constituent members, Tonquin and Cochin China, although inhabited by a race of the same language and manners, had in all known times formed distinct kingdoms, or been respectively subject provinces of the Chinese empire. *Champa*

and Kamboja had, in like manner, been independent principalities. In the year 1774, the misrule of the reigning dynasty of Cochin China brought on a formidable insurrection, in which three brothers, peasants by birth, and robbers by profession, * seized upon the throne, conquered Tonquin, and defeated a Chinese army which came for its protection. The reigning king fled from the country, and placed himself under the direction of an European missionary, to whose counsels he eventually owed his restoration. This person was Pignon de Behaim, titular bishop of Adran, and apostolic vicar of Cochin China, a native of the city of Brussels. In 1787, the king, trusting his eldest son to the care of this person, sent them on a mission to France to claim the assistance of the Court of Versailles. An offensive and defensive alliance was accordingly concluded, by which France was to have furnished to her ally a fleet, an army, and money, and to have received in return a considerable territorial cession, and many commercial privileges. The Revolution which shortly after broke out, prevented France from entering upon a career which must have involved her in an immediate war with Great Britain, and ended in rendering Cochin China a province of one or other of these European powers. The matter terminated more fortunately for the independence of the country. The Bishop D'Adran returned to Cochin China in 1790, bringing with him fourteen or fifteen European adventurers, chiefly French Royalists, who had fled from the proscriptions of the Revolution. With the assistance of these persons, among whom there were naval and military officers and engineers, and with a small party of his own adherents, the King of Cochin China, a man of enterprise, firmness, and ability, for an Asiatic and hereditary Prince, formed a fleet, disciplined an army, and constructed fortifications on the principles of European science. Against such means the native tactics of the insurgents, although not unskilful, and backed by a majority of the people, proved quite ineffective; and in the course of twelve years he reconquered his patrimonial dominions, and added to them the richer and more populous country of Tonquin. In 1809, taking advantage of the dissensions which prevailed in Kamboja, he, partly by force of arms, and partly by intrigue, acquired the most valuable part of that country, and thus established at once

* The eldest brother is said to have been originally a blacksmith, and the second, the most able of the three, a gardener. Such have always been the agents of revolutions in the East; and when circumstances bring leaders of such a character into action, no wonder that society should be stationary.

the most extensive and best organized power which had ever subsisted in that part of the East. The whole of this singular fabric, however, may fairly be considered as the offspring of European knowledge and civilization; for with all the merit of the Cochin Chinese Prince, the genius which created it was substantially French.

After this rapid sketch of the Hindu Chinese countries, we shall venture to offer a few notices concerning their physical geography—the physical character of their inhabitants—their language and literature—their religion—their government and their foreign relations—concluding with an estimate of their financial and military resources.

The whole of this region of Asia may be described as hot, moist, and woody; a character more or less decidedly marked as we approach to, or recede from the equator. It contains at least five great alluvial plains, not inferior in extent or fertility to those of Egypt or Bengal; and yet the greater part of the country consists of mountains deeply wooded, uncultivated, and very partially inhabited. From Hindustan and other countries which they resemble in fertility, they differ remarkably in the abundance and variety of their metalliferous products. Rice is always the principal, and nearly the only, vegetable aliment of the inhabitants; and in this description of corn the Hindu Chinese countries are singularly productive, usually affording a surplus to their neighbours. Fish is consumed by the inhabitants in large quantities—other animal food to a very trifling extent. In this region the camel and the ass are never seen; the horse rarely, and then nothing better in size than a pony, unfit for useful labour or the purposes of war. The ox is not general, the sheep is unknown, and the goat is not frequent. In short, the most useful and familiar of the domestic quadrupeds of Western Asia and Europe, give place to the almost universal use of the elephant, the buffalo, and the hog. Even the wild quadrupeds, familiar to the traveller in Western Asia, disappear in the Hindu Chinese countries, where the fox, the jackall, the hyena, the wolf, the antelope, and the hare, are not to be found.

In stature, the race of men inhabiting the Hindu Chinese countries is shorter than the Hindu, the Chinese, or the European, but generally taller than the Malayan. Their lower limbs are well formed, contrary to what obtains among the natives of Hindustan. The hands of this race are stout, and destitute of the softness and delicacy which characterizes those of the Hindu (the primitive and almost intuitive manufacturer of fine muslins). Their persons are hale and sufficiently robust, but somewhat squab, and without grace or flexibility. The

complexion is brown, darker by some shades than that of the Chinese, but never approaching the black of the African negro, or even of the Hindu. The face differs greatly from that of the European or Western Asiatic, the features being never bold, prominent, or well defined. The nose is small, round at the point, but not flat. The mouth is wide, but not projecting—the lips thick. The eyes are small, having the iris black, and the white of a yellow tinge; but the breadth and height of the cheek-bones, which gives the whole face the form of a lozenge, instead of the oval, which constitutes the line of beauty among the nations of Western Asia and Europe, is the most characteristic feature of the countenance. Of this race the Burmans are perhaps the most athletic, and the Cochin Chinese the lowest in stature, being in this respect indeed by far the shortest people of all Central Asia; a circumstance which sufficiently points them out as a distinct race from the Chinese, although apparently much assimilated to them by the adoption of many of their manners and institutions.

The general character of the Hindu Chinese is marked by the servility, indolence, disingenuousness, and feebleness which belong to political slavery every where. They are at the same time temperate, generally abstemious, placable, docile, peaceable, and obedient. There is, however, a tameness or dulness of character, which, though not amounting to stupidity, is very remarkable. They display no strength or variety of character—exhibit no romantic feelings, and are, in short, utterly unimaginative. In enterprise and personal courage they are greatly inferior to the warlike tribes of Western and Northern Asia. There is one feature of their character which deserves more particular notice,—their national vanity. This exists almost universally in the most exaggerated and ludicrous degree. The Abbé Gervaise, one of the few judicious writers who has treated of the nations of India beyond the Ganges, describes the Siamese as ‘despising all other nations, and being thoroughly persuaded that the greatest injustice in the world was done to them when their pre-eminence was disputed.’ This particular people perhaps carry the folly to the greatest height; but the Burmans and the Cochin Chinese are little behind them. A Burman warrior, not many years ago, proposed in council to take Fort William and the city of Calcutta with 3000 soldiers, and to complete the conquest of Hindustan with as many more! He was loudly applauded by the Senators of his Burman Majesty. On another occasion, a fleet of open boats was prepared by the Burman Government for the purpose of crossing the Bay of Bengal in the south-west monsoon, capturing

Fort Saint George, and subduing the Carnatic. The late King of Cochin China, who was commonly a man of sense, was not himself superior to this extravagance; and although, in many respects well acquainted with what was passing in Europe, was wont to talk familiarly (for he was born and bred an Ultra-Royalist) of proffering his assistance to Louis XVIII., and measuring swords with the Conqueror of Marengo and Austerlitz!—The character we have thus attempted to sketch applies generally to all the nations of whom we have been speaking, although there are considerable distinctions. The Burmans are more enterprising, more sprightly, and braver than the Siamese. The Siamese surpass all the rest in vanity; and in point of humanity and moderation have some advantage over the Burmans. The Cochin Chinese are more gay and social than any of their neighbours; and, indeed, in these points excel all Asiatic people.

From the confines of Bengal to the borders of China, there exist, besides rude dialects, seven languages which have received a considerable share of cultivation.* These are the Aracanese, the Burman, the Peguan, the Siamese, the Lao, the Kambojan, and the Anam. Of alphabets also there are no less than seven; that of Aracan, of Ava, of Pegue, two alphabets of Lao, that of Siam and the Kambojan, which is the same as the Pali, besides the symbolic character of China which is used by the Cochin Chinese and Tonquinese, in a form somewhat modified. The Hindu Chinese dialects are either chiefly or entirely monosyllabic, being so in the greatest degree as we advance eastward. To make amends for the absence of combined syllables, however, they are rich in letters and elemental sound. The Siamese, for example, although it want several sounds which are to be found in the languages of the Western world, has 37 consonants, 14 vowels, and 6 diphthongs, all expressive of distinct sounds,—among which are found several intonations too subtle and difficult for European organs. In their alphabetic system, each of these is expressed by a separate character; for the alphabets of the Hindu Chinese nations exhibit the same perfection as those of the Indian nations, a phenomenon by no means to have been expected, amidst so much rudeness, and that general want of precision which belongs to barbarians. These languages are all characterized by extreme simplicity of structure. They are destitute of inflections, and hence their construction depends almost wholly on the principle of juxtaposition. The political slavery of the people is, as with many tribes of Asia and America, engraved upon the genius of their language; and hence the existence of a copious phraseology to distinguish the respective ranks of the speakers.

The literature of the Hindu Chinese ranks far below that of the Arabs, the Persians, or the Hindus; and is singularly feeble and unimaginative. It may be divided into the two branches, of profane or sacred; the first being uniformly written in the vernacular, and the second in the Pali, the sacred language of the followers of Buddha every where, and the vernacular dialect of Magada or ancient Behar. Both are entirely metrical; and the first consists of songs, romances, and some rude chronicles, which make no approach to truth or accuracy. The widespread legends of the Hindus, although nearly unconnected with their religious belief, are favourite subjects of their lay compositions. To this description, it is necessary to make an exception for Anam literature, which is entirely borrowed from Chinese, and bears no analogy to that of the purely Bhuddist nations.

The religion of Buddha is universal from Aracan to Kamboja inclusive. This worship in its doctrine, practice, and morality, is the same which is established in the Island of Ceylon, but differs materially, especially when viewed as a civil institution, from the Buddhism of Tartary-Tibet, and Hindustan. In the Hindu Chinese countries, religion is a great business of life. The country is covered with temples and overrun with priests. Every male inhabitant must at some period or other of his life, enter the priesthood; though he may quit it when he pleases, and enter it again at his pleasure. The priests, with their shaved heads and flowing yellow garments, live together in monasteries always attached to a temple. They are enjoined to observe a strict celibacy—to refrain from all temporal occupation—to abstain from the use of wine, and from destroying animal life; while they are directed to pass their time in asking charity, in study, in meditation, and in prayer. Their occasional duties consist in ordaining priests, in solemnizing marriages, and in performing funeral rites. In return for so much abstinence and so many sacrifices, the Talapoina enjoy a high consideration among the people. They are called Lords, viewed as the representatives of Buddha or Gautama on earth, and every secular person, be his rank what it may, must do them homage. They are exempt from taxation,—exempt from the sweeping conscription which weighs so heavily upon the rest of the people, and the temples where they officiate are viewed as places of refuge. The people on their part make an absolute surrender of the care of their souls to the priests, as a client would surrender his case to his lawyer. They busy themselves at least very little with the moral and doctrinal parts of religion, and their consciences are satisfied by the alms and largesses given to the priests, and

their occasional contributions to the endowment of temples. The prevailing doctrines of the religion of Buddha are those of the Metempsychosis, and of a future state of rewards and punishments, consisting in repeated transmigrations, until the soul be absorbed or annihilated. With the Buddhists, there is no supreme God; the world had no beginning, and will have no end. Variety of worship is pleasing to superior beings, but their own form is the best, and they are ready to admit all mankind to a participation in its advantages. The Buddhist nations accordingly have never persecuted Christianity; but its morality is too severe for them; and they insist, according to a favourite expression of their own, that although it be a road to heaven, it is one which is too difficult for them to follow. Neither has the Mahomedan religion, although equally tolerated, made any progress amongst them. The doctrine of the casts, which exerts so signal an influence over the condition of Hindu society, is unknown to the worshippers of Buddha, and, in the Hindu Chinese countries especially, not a vestige of it is to be discovered. Revolting and unreasonable antipathies in the choice of food are also unknown. The Buddhists indeed rather err on the other side, being indiscriminating and uncleanly in matters of diet. Neither are religious penances and austerities among them favourite means of propitiating heaven, or gaining temporal influence.

This form of worship, one of the most extensive which governs the opinions of mankind, was introduced into the Hindu Chinese countries from Magada or Behar in Hindostan, several centuries after the Christian era. Universal as far as Kamboja, it exists but partially in Cochin China and Tonquin, where it ceases to be respected, gradually gives way to the forms of worship prevalent in China, and is in fact despised or neglected as influencing the manners and character of the people. This we think is lucky—for its influence on the state of society has certainly been by no means either exalting or benign. No nation professing this worship has ever acquired distinction in arts, in letters, or in arms. Professing mild tenets, and affecting abhorrence for the shedding of blood, the votaries of Gautama are reckless of human life, their laws are sanguinary, and cruel executions and proscriptions are no where more common than amongst them.

The Hindu Chinese countries are the true region of pure despotic governments. It might edify a member of the Holy Alliance, or a Turkish Sultan, to behold the finished picture of absolute power which is there presented. The names of the Burman and Siamese kings must not, on pain of death, be

pronounced by any of their subjects during their lifetime ; and the important secret indeed is confided only to a few favourite courtiers. No one dares to ask after the health or happiness of these perfect specimens of humanity, because it is not to be imagined that they can either be sick or sorry. The King of Cochin China is not supposed by himself or his subjects to be quite so impeccable ; but his authority is scarcely less absolute. He governs by his pure will, and never stops short until brought up by an insurrection or a revolution. Although imitating the Chinese, the poverty and want of intelligence of his subjects never renders it necessary for him to offer those explanations, which the better knowledge of their rights, and superior intelligence of the Chinese, claims from their Emperor, when he is in difficulties.

The worst and most mischievous feature of all the Hindu Chinese governments is, the sweeping claim made by the Sovereign to the services of the whole adult male population,—a claim which is exacted to the fullest practicable extent. Every male above twenty years of age must serve the State, either as a soldier or a labourer, at least every third year of his existence, with the exception of public officers and priests. No man, therefore, can call his time or labour his own. It is this monstrous abuse of power which, in our conception, renders the Hindu Chinese nations so inferior in civilization to their neighbours the Hindus and Chinese, among whom the existence of a military cast leaves the industry of the mass of the population so far free from molestation. This is the secret of the universal prohibition against emigration, which is known to obtain in all the Hindu Chinese countries. The Hindu Chinese, accordingly, are never seen abroad ; for emigration among them is high treason, and equivalent to robbing the sovereign of his property and consequence.

With all this there is, in peaceable times, considerable order and regularity in the governments ; and both civil and criminal law are administered in a manner more deliberate and less summary and precipitate than among the smaller Asiatic nations. Hence life and property are infinitely more secure. The great instrument of government, as in China, is the bamboo ; and with the Hindu Chinese the infliction of a blow is no affront or disgrace. All classes are subject to corporal punishment ; which is accordingly viewed only as a kind of wholesome parental chastisement. The proceedings of the Burman and Siamese governments, through all their departments, are slovenly and procrastinating. The contrary is the case with that of Cochin China, in which an extraordinary

promptitude and exactness prevail everywhere, assimilating it in no slight degree in this respect to the military despotisms of Europe.

The Hindu Chinese nations have acquired no distinguished skill or dexterity in any art, useful or ornamental; such as the Hindus have acquired in cotton fabrics, the Chinese in silk and porcelain, and the Japanese in lacerated ware and silks. Their science, consisting in a few arithmetical rules, some slender knowledge of astronomy, and much astrology, they have always borrowed, and still continue to borrow, from the Hindus and Chinese. In the useful arts, the Cochin Chinese, and especially the Tonquinese, have, from their close imitation of the Chinese, a considerable advantage over the more westerly nations. They fabricate cheap, although coarse cottons, for domestic use, with light silks, which last, in the infancy of European manufacturing industry, were sought after in our markets. Another of their commodities was also at one time in repute amongst us, a species of lacerated ware, ornamented with a rich mosaic in mother of pearl, which still continues to be fabricated by the Tonquinese, in great beauty and perfection.

With the Hindu Chinese nations commences that reserved, unsocial, and jealous temper in their political relations with strangers, which characterizes all the nations of the further East, from Bengal to Korea and Japan, and which becomes more and more intense as we proceed eastward. This disposition, we conceive, has its origin in vanity, ignorance, and dread of unknown dangers, but, above all, in that suspicion of the fidelity of its own subjects, which leads despotic governments to hold all novelties and innovations in abhorrence, as things that might, by possibility, tend to subvert their ill exercised authority.

The Burman commerce is with China and the British dominions. To the first it supplies, through the province of Yunnan, raw cotton, precious stones, and other native commodities, receiving in return wrought silks and other manufactured articles. The intercourse with the British dominions in India is far more considerable. In this traffic the Burmans supplied great quantities of teak wood, nearly all that was consumed in the Bengal and Madras provinces, with stick-lac, catechu, and other commodities. They received from us in return Indian and British cotton goods, and other manufactured articles. This branch of commerce, before the present war, shared like others in the advantages of the free trade. The Burmans were beginning to be clothed in British fabrics; and our merchants, in spite of the obstacles thrown in their way, pushed their enter-

prises to Amarapura the capital, 400 miles distant from the seacoast, where several of them personally resided. Our access to the country, however, was, through jealousy, confined to the single part of Rangoon; and the rest of a coast 900 miles in length, possessing harbours, and leading to productive countries, and almost at our doors, has been nearly as little known to us during the sixty years of Burman supremacy over Pegue, as a similar extent of Japan. Besides the trade conducted by European vessels, there is a very considerable one conducted by Burman boats, which creep along the coast of Aracan in the fine season, and find their way to the capital of British India through the Sunderbunds—the streets and shops of which may then be seen crowded by these rude strangers, readily distinguished from the native inhabitants by the singularity of their dress, the dirtiness of their persons, their uncereemonious manners, and their lively curiosity. The Burmans hold no intercourse with Siam. An implacable hatred, and a perpetual warfare, subsists between these barbarians—the frontier between them is reduced to a desert—the miserable inhabitants on both sides are way-laid and conducted to perpetual slavery, so that any peaceful communication is impossible.

The foreign relations of Siam are with China—Cochin China—the independent states of the Malayan Archipelago, and the European possessions in the same quarter. The first is by much the most important. The King of Siam indeed professes himself to be a vassal of China; but the dependence is purely nominal. Under pretext of it, two junks of near one thousand tons each, are sent yearly to Canton, which are exempted from duties. During the period of the embassies of Louis the 14th, the trade between Siam and China consisted only of a few junks, and the Chinese settlers in the former country did not exceed 3 or 4000, according to the statement of La Laubere. Within the last 30 years, a singular revolution has taken place in this respect, which probably had its origin in the accidental circumstance of an adventurer of the half Chinese blood, the same who expelled the Burmans, having raised himself to the throne of Siam. This person invited the resort of the Chinese; and they are at present spread over the whole kingdom, to the number of between 7 and 800,000, engaged in trade—in handicraft labour—in the manufacture of sugar, and in the culture of pepper. They conduct, indeed, the whole foreign trade of Siam, being its only foreign merchants, navigators and sailors. The junks which now trade yearly to China are not less than 140 in number, nine-tenths of them constructed in Siam, and

measuring full \$5,000 tons. The number of Chinese junks carrying on the other branches of the trade of Siam amount at present to about 200—all smaller than those carrying on the trade with China, but still amounting to not less than 30,000 tons. Of these from 40 to 50 trade yearly with our new settlement of Singapore—importing grain, salt, oil, fine sugar, and many minor commodities, and exporting British and Indian manufactures, principally cotton fabrics, to the value of 300,000 Spanish dollars. This traffic, the creation of the last six years, increases by rapid strides yearly, and will soon be of national importance. The trade in British vessels is of inferior value, and, according to the statements which we have seen, amounts annually to five or six square-rigged vessels. Since the conclusion of the war, the Americans tried the Siamese trade, but soon abandoned it, when the British, under more favourable circumstances, entered into competition with them. The regulations of trade in Siam are less equitable than in Cochin China, and the imposts consist of import, export, and tonnage duties, upon the whole, however, not very burthensome. There are vexations, however, to be complained of. The government itself is a great trader, and being so, necessarily an unfair and unjust one. It exercises monopolies—often claims a right of preemption, and exercises a capricious and undue influence,—all obstacles which time and perseverance alone can conquer.

The foreign relations of Cochin China are with China, Siam, and the British possessions within the Straights of Malacca. The King of Cochin China is a nominal vassal of the Chinese empire, which admits him only to the rank of a hereditary governor. The Cochin Chinese monarchs are preposterously vain of this title, and every new prince at his accession is regularly invested with it by a deputation from the Court of Peking. With all this the Cochin Chinese sovereigns are substantially independent; the tribute which they pay is nominal; and any interference on the part of the Chinese in the internal affairs of the government is stoutly resisted—as in the following case. One of the brothers who headed the last great insurrection, effected the conquest of Tonquin. The hereditary sovereign called in the assistance of the Chinese, who entered the country with an army of 40,000 men. The adventurous insurgent, while he solicited from Peking his investiture as governor of the kingdom, attacked the Chinese army—routed it—expelled the Chinese from the kingdom, and by intrigue was finally invested in the government by the arrogant but incapable Court of China. The Chinese settled within the dominions of Cochin China are few in number, in comparison with those settled in

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Siam, and hence the industry and external commerce of the country are also greatly inferior. They do not perhaps in all exceed 40,000, the greater part of whom are engaged in the iron, gold, and silver mines of Tonquin. The junks carrying on this traffic amount to about half the tonnage employed in that of Siam and China: The ports from which it is conducted are Cachao in Tonquin—Hué and Faifo in Cochin China proper, and Saigon in Kamboja, the first and last being the most considerable places of trade. The inland trade between the Cochin Chinese dominions and China is probably more considerable than that by sea. In this intercourse Cochin China receives manufactured silks, English broad cloths, and Bengal opium, with the copper spelter and lead of Yunan, and returns cotton, areca-nuts, varnish, dye stuffs, and a variety of other native products.

Tonquin and Kamboja conducted with European nations, about the end of the 17th and beginning of the 18th centuries, a trade which, for those times, was very considerable. It ceased entirely about the middle of the last century, owing to two causes—either of them sufficient for this purpose—the almost universal anarchy which has since that period prevailed in those countries, and the rigid monopolies of the European nations. It has begun to revive, on the relaxation of these monopolies, within the last half dozen years; and so different now is the condition of the world, and the principles which govern the intercourse of nations, that we cannot hesitate in believing that it will soon regain more than its original importance. According to detailed accounts which have been shown to us, near 30 Cochin Chinese junks now visit yearly the new port of Singapore; and his present Majesty, who has himself a taste for foreign trade, although not very legitimately directed, sends a number of junks on his own account. In 1825, he added to these two square-rigged vessels, constructed and navigated in the European fashion, and manned and navigated by native Cochin Chinese. A few European vessels have also, as we understand, made adventures from Singapore; and the French and Americans have attempted the same trade, but not very fortunately or very judiciously. Two vessels belonging to the latter, of whose voyage we rendered an account in our 81st Number, visited the port of Saigon for cargoes of sugar in 1819. In ignorance of the nature of the market, they arrived three months after the Chinese junks had already carried off nearly the whole disposable sugar, and six months at least before the new crops could come in. They insisted on paying their port dues in the *zinc* currency of the kingdom, 1200 of which are equivalent

to one Spanish dollar—a proceeding of the same character as insisting upon paying a treasury debt of 1000*l.* in England or America, in copper farthings or *cents*. They finally went off, drawing this legitimate conclusion, that the trade was impracticable, the inhabitants brutal barbarians, and the government illiberal and vexatious! The French also have nearly abandoned the trade, and for the same reason which has induced them to abandon nearly every other branch of the Indian commerce, real incapacity to conduct it, except in a piddling manner. The trade of the Cochin Chinese empire is at present open to all the world, and there exist no privileges or exclusions, as had been long erroneously imagined in Europe. In 1818 the late king instituted a new tariff, which is neither unfair nor onerous. The duties are levied on the ships dimensions, on the Chinese principle; and there is, generally speaking, no impost on the goods exported or imported. The obstacles which exist result from the oppression of the government towards its own subjects;—and not towards strangers resorting to the country, whose lives and properties, it may be asserted without exaggeration, are as secure in the ports of Cochin China as in those of any civilized European nation.

It is not in our power to furnish any detailed information respecting the financial and military resources of the Hindu Chinese nations, which, indeed, from their nature, are incapable of being stated with any degree of precision. In all of them, however, a land-tax forms a considerable share of the sovereign's revenue; but a much smaller one than in Hindustan, inasmuch as the industry of the inhabitants is less, and more frequently diverted from productive occupation by the vexatious calls of the public service. Excise duties and monopolies, rudely and unskilfully exacted or exercised, form other sources of revenue. But the chief financial resource of these governments, and that which destroys the efficiency of every other, consists in the immediate personal services of their subjects, the rudest and most mischievous of all their institutions, and that which, in all probability, conduces most to render them inferior to their principal neighbours. Previous to our contest with him, the coffers of the Burman monarch were said to be well filled with the plunder of his people. The King of Siam is said to have an annual revenue of between 6 and 700,000*l.* a good deal of which is derived from the trade of the Chinese, and recently of our own nation. This, judging from the statement of La Laubere, is eight fold greater than that of his predecessor, the ally of Louis the 14th, a striking proof among many others which might be given of the rapid advance-

ment which Siam has made in recent years. The finances of the King of Cochin China are said to be managed with more order and economy than those of his neighbours, and his treasury is reported to contain not less than 6,000,000*l.* in gold and silver.

The military strength of such a country as that of the Burmans is little to be estimated by its numerical force; but depends much more on the skill and perseverance with which it is able to keep that force together through its usual system of executions and terror, and above all, on the natural difficulties of the country and climate. For aggression against a civilized enemy, the Burman power is contemptible; but for defence against invasion, it is very different: For, besides the unfavourableness of the climate and localities, there is a capital 400 miles distant from the nearest point of attack, and generally an absence of all tangible and important objects at which a disciplined army could aim a decisive blow. Were the Burmans not surrounded by oppressed and discontented tributaries, themselves also grievously oppressed, their country would be impregnable; and, as it is, we are inclined to view the Burman war as unquestionably the greatest and most difficult enterprise in which our Indian government has ever been engaged. There is indeed no other period of our history in which our resources would have been equal to such a contest.

The military resources of Siam are to be estimated on the same principle as those of the Burman empire; and that the Siamese have successfully resisted the inroads of the Burmans, must be admitted as a proof that those resources cannot be greatly inferior. The Siamese are allowed to be somewhat more civilized, but to be less lively, ambitious, and enterprising than their Burman neighbours. Within the last five years the trade of the English and Americans has furnished the Siamese with about 40,000 stand of fire-arms, a supply which, although it can add nothing to their means of offence or defence against an European enemy, must render them a more formidable rival than heretofore to the Burman power. Against the invasion of a civilized enemy, Siam is greatly weaker than Ava. Bang-kok, the seat of its government, its treasury, its arsenals, and its commerce, is situated within a few hours sail of the mouth of a navigable river, instead of being, like Amarapura, 400 miles distant from the sea-coast, and might be captured and maintained by a very slender force, without trouble or inconvenience. Several other ports, from which the government draws much of its revenue, are similarly situated, and are capable of being blockaded by a few gun-

boats; so that a very inconsiderable maritime force would easily enable a naval power to dictate any conditions to the people, with all their vanity. It is, however, so insulated, that there is but little risk of its coming into collision with any nation capable of producing an impression upon it. The natural difficulties of its frontiers effectually protect it from the hostility of the Cochin Chinese, the Chinese and Burmans; and the only possible danger that it runs is, from its coming into contact with the British power at one weak point of the latter, Prince of Wales' Island,—a circumstance which might provoke it to an act of arrogance or aggression, although contrary to the discreet and prudent character which its government has hitherto maintained.

At the termination of the war in 1802, the King of Cochin China, besides a fleet consisting of corvettes, gun-boats, and war-galleys to the number of 800, had a disciplined army of 150,000 men, well provided arsenals, a numerous train of artillery, and fortifications constructed on the European model. His son, the present sovereign, for Gia-long, the prince in question, died in 1819, has reduced his standing army to 40,000 men; but these are officered, disciplined, armed, and clothed after the European manner. The citadel of Hué, the capital of the kingdom, is one of the greatest, if not the greatest, curiosity in the East. It is between five and six miles in circumference, constructed throughout on the principles of a regular European fortification, and mounts between 800 and 900 pieces of heavy cannon, of beautiful fabric. It usually contains a garrison of 12,000 men, and an arsenal, which, for extent, order, and efficiency, has scarcely any thing superior in Europe. It might be supposed, at first view, that such a power might prove dangerous to its neighbours; but this is not the case. The government of Cochin China is dangerous only to its own subjects, or to the petty tribes which surround it. It possesses neither the domestic security, nor the talent or enterprise necessary to undertake foreign conquests. Siam is secure, from distance, and the natural strength of its frontier: the Chinese provinces are nearer, and in more danger, but neither is this danger considerable. On the other hand, Cochin China itself is in imminent danger from the invasion of any European power possessing naval resources, that might be tempted to attack it. The two extremities of the kingdom, Kamboja and Tonquin, which supply the capital and adjacent provinces with grain and other resources, besides being discontented and always on the verge of insurrection, might be totally cut off by the blockade of a few vessels of war. The garrisons, granaries,

arsenals, and military force, are all on the sea-coast; and, notwithstanding the imposing spectacle which they present, would afford but slender resistance against the discipline, courage, and skill of an European enemy. The destruction or capture of these would be equivalent to the conquest of the whole kingdom. The Government would be deprived of all resources, and even have its own strength turned against it, when the fortifications, granaries and arsenals, of the kingdom were in the occupation of an invader capable of turning them to advantage. As far as the interests of the British Empire in India are concerned, the case indeed would be widely different were the resources of Cochin China at the disposal of such a power as that of France, as was once contemplated. Our commerce, in such a case, especially that with China, would be harassed or cut off from the numerous ports of Cochin China; and in the event of our attempting to strike at the root of the evil by invading the country, our strength might be wasted by protracted sieges, and the thousand other resources and artifices of a brave and intelligent enemy. It may be necessary to add, however, that, for the present at least, all risk of such an event is gone by. Louis the 18th, in the year 1817, sent a message to Cochin China, claiming, rather unreasonably, the fulfilment of the treaty of 1787, no part of the stipulations of which had been fulfilled on the part of the French nation. The proposal gave umbrage to the Cochin Chinese monarch, now firmly seated upon a throne which he owed to his own perseverance and courage; and he would not even enter upon a discussion of the subject. The successor of Gialong is unfavourable to all intimate connection with Europeans,—the French adventurers have been especially discouraged by him, and by our last accounts had finally quitted the kingdom.

We have now endeavoured to lay before our readers, without any intermixture of speculation, a general, though we trust not inaccurate account of India beyond the Ganges; which we hope may contribute to awaken and direct the curiosity of some among them to a region which is at present, we really believe, the richest, the most fertile, and even civilized portion of the habitable globe of which we have the least practical knowledge. Our wars and diplomacy, however, will, we have no doubt, soon give occasion to numerous publications on the subject; and, as they appear from time to time, we shall endeavour, in rendering an account of them, to fill up the feeble outline we have here attempted to trace.

ART. VII.—*Granby. A Novel in Three Volumes. London. Colburn, 1826.*

THERE is nothing more amusing in the spectacles of the present day, than to see the Sir John's and Sir Thomas's of the House of Commons struck aghast by the useful science and wise novelties of Mr Huskisson and the Chancellor of the Exchequer. Treason, Disaffection, Atheism, Republicanism, and Socinianism—the great guns in the Noodle's park of artillery—they cannot bring to bear upon these gentlemen. Even to charge with a regiment of ancestors is not quite so efficacious as it used to be; and all that remains, therefore, is to rail against Peter M'Culloch and Political Economy! In the mean time, day after day, down goes one piece of nonsense or another. The most approved trash, and the most trusty clamours, are found to be utterly powerless. Twopenny taunts and trumpery truisms have lost their destructive omnipotence; and the exhausted common-placeman, and the afflicted fool, moan over the ashes of Imbecility, and strew flowers on the urn of Ignorance! General Elliot found the London tailors in a state of mutiny, and he raised from them a regiment of light cavalry, which distinguished itself in a very striking manner at the battle of Minden. In humble imitation of this example, we shall avail ourselves of the present political disaffection and unsatisfactory idleness of many men of rank and consequence, to request their attention to the Novel of Granby—written, as we have heard, by a young gentleman of the name of Lister, and from which we have derived a considerable degree of pleasure and entertainment.

The main question as to a novel is—did it amuse? were you surprised at dinner coming so soon? did you mistake eleven for ten, and twelve for eleven? were you too late to dress? and did you sit up beyond the usual hour? If a novel produces these effects, it is good; if it does not—story, language, love, scandal itself, cannot save it. It is only meant to please; and it must do that, or it does nothing. Now, Granby seems to us to answer this test extremely well; it produces unpunctuality, makes the reader too late for dinner, impatient of contradiction, and inattentive, —even if a bishop is making an observation, or a gentleman, lately from the Pyramids, or the Upper Cataracts, is let loose upon the drawing-room. The objection, indeed, to these compositions, when they are well done, is, that it is impossible to do any thing, or perform any human duty, while we are engaged in them. Who can read Mr Hallam's *Middle Ages*, or extract the root of an impossible quantity, or draw up a bond, when

he is in the middle of Mr Trebeck and Lady Charlotte Duncan? How can the boy's lesson be heard, about the Jove-nourished Achilles, or his six miserable verses upon Dido be corrected, when Henry Granby and Mr Courtenay are both making love to Miss Jermyn? Common life palls in the middle of these artificial scenes. All is emotion when the book is open—all dull, flat, and feeble, when it is shut.

Granby, a young man of no profession, living with an old uncle in the country, falls in love with Miss Jermyn, and Miss Jermyn with him; but Sir Thomas and Lady Jermyn, as the young gentleman is not rich, having discovered, by long living in the world and patient observation of its ways, that young people are commonly Malthus-proof and have children, and that young and old must eat, very naturally do what they can to discourage the union. The young people, however, both go to town—meet at balls—flutter, blush, look and cannot speak—speak and cannot look,—suspect, misinterpret, are sad and mad, peevish and jealous, fond and foolish; but the passion, after all, seems less near to its accomplishment at the end of the season than the beginning. The uncle of Granby, however, dies, and leaves to his nephew a statement accompanied with the requisite proofs—that Mr Tyrrel, the supposed son of Lord Malton, is illegitimate, and that he, Granby, is the heir to Lord Malton's fortune. The second volume is now far advanced, and it is time for Lord Malton to die. Accordingly Mr Lister very judiciously dispatches him; Granby inherits the estate—his virtues (for what shows off virtue like land?) are discovered by the Jermyns—and they marry in the last act.

Upon this slender story, the author has succeeded in making a very agreeable and interesting novel; and he has succeeded, we think, chiefly, by the very easy and natural picture of manners, as they really exist among the upper classes; by the description of new characters judiciously drawn and faithfully preserved; and by the introduction of many striking and well managed incidents; and we are particularly struck throughout the whole with the discretion and good sense of the author. He is never *nimious*; there is nothing in excess; there is a good deal of fancy and a great deal of spirit at work, but a directing and superintending judgment rarely quits him.

We would instance as a proof of his tact and talent, the visit at Lord Daventry's and the description of characters of which the party is composed. There are absolutely no events; nobody runs away, goes mad, or dies. There is little of love, or of hatred; no great passion comes into play; but nothing can be farther removed from dulness and insipidity. Who has ever lived in the world without often meeting the Miss Cliftons?

‘ The Miss Cliftons were good-humoured girls, not handsome, but of pleasing manners, and sufficiently clever to keep up the ball of conversation very agreeably for an occasional half-hour. They were always *au courant du jour*, and knew and saw the first of everything—were in the earliest confidence of many a bride elect, and could frequently tell that a marriage was “off,” long after it had been announced as “on the tapis” in the morning papers—always knew something of the new opera, or the new Scotch novel, before any body else did—were the first who made figgigs, or acted charades—contrived to have private views of most exhibitions, and were supposed to have led the fashionable throng to the Caledonian Chapel, Cross-Street, Hatton Garden. Their employments were like those of most other girls: they sang, played, drew, rode, read occasionally, spoiled much muslin, manufactured purses, handscreens, and reticules for a repository, and transcribed a considerable quantity of music, out of large fair print into diminutive manuscript.

‘ Miss Clifton was clever and accomplished; rather cold, but very conversible; collected seals, franks, and anecdotes of the day; and was a great retailer of the latter. Anne was odd and entertaining; was a formidable quizzér, and no mean caricaturist; liked fun in most shapes; and next to making people laugh, had rather they stared at what she said. Maria was the echo of the other two; vouched for all Miss Clifton’s anecdotes, and led the laugh at Anne’s repartees. They were plain, and they knew it; and cared less about it than young ladies usually do. Their plainness, however, would have been less striking, but for that hard, pale, parboiled town look, that stamp of fashion, with which late hours and hot rooms generally endow the female face.’ pp. 103–105.

Having introduced our readers to the Miss Cliftons, we must make him acquainted with Mr Trebeck, one of those universally appearing gentlemen and tremendous table tyrants, by whom London society is so frequently governed.

‘ Mr Trebeck had great powers of entertainment, and a keen and lively turn for satire; and could talk down his superiors, whether in rank or talent, with very imposing confidence. He saw the advantages of being formidable, and observed with derision how those whose malignity he pampered with ridicule of others, vainly thought to purchase, by subserviency, exemption for themselves. He had sounded the gullibility of the world; knew the precise current value of pretension; and soon found himself the acknowledged umpire, the last appeal, of many contented followers.

‘ He seldom committed himself by praise or recommendation, but rather left his example and adoption to work its way. As for censure he had both ample and witty store; but here too he often husbanded his remarks, and where it was needless or dangerous to define a fault, could check admiration by an incredulous smile, and depress pretensions of a season’s standing by the raising of an eyebrow.

He had a quick perception of the foibles of others, and a keen relish for bantering and exposing them. No keeper of a menagerie could better show off a monkey, than he could an "original." He could ingeniously cause the unconscious subject to place his own absurdities in the best point of view, and would cloak his derision under the blindest cajolery. Imitators he loved much; but to baffle them—more. He loved to turn upon the luckless adopters of his last folly, and see them precipitately back out of the scrape into which himself had led them.

'In the art of cutting he shone unrivalled: he knew the "when," the "where," and the "how." Without affecting useless short-sightedness, he could assume that calm but wandering gaze, which veers, as if unconsciously, round the proscribed individual; neither fixing, nor to be fixed; not looking on vacancy, nor on any one object; neither occupied, nor abstracted; a look which perhaps excuses you to the person *cut*, and, at any rate, prevents him from accosting you. Originality was his idol. He wished to astonish, even if he did not amuse; and had rather say a silly thing than a common-place one. He was led by this sometimes even to approach the verge of rudeness and vulgarity; but he had considerable tact, and a happy hardihood, which generally carried him through the difficulties into which his fearless love of originality brought him. Indeed, he well knew that what would in the present condition of his reputation, be scouted in anybody else, would pass current with the world in him. Such was the far-famed and redoubtable Mr Trebeck. pp. 109–112.

This sketch we think exceedingly clever. But we are not sure that its merit is fully sustained by the actual presentment of its subject. He makes his debut at dinner very characteristically, by gliding in quietly after it is half over; but in the dialogue which follows with Miss Jermyn, he seems to us a little too resolutely witty, and somewhat affectedly odd—though the whole scene is executed with spirit and talent.

'The Duke had been discoursing on cookery, when Mr Trebeck turned to her, and asked in a low tone if she had ever met the Duke before.—"I assure you," said he, "that upon *that* subject he is well worth attending to. He is supposed to possess more true science than any amateur of his day. By the bye, what is the dish before you? It looks well, and I see you are eating some of it. Let me recommend it to him upon your authority; I dare not upon my own."—"Then pray do not use mine."—"Yes, I will, with your permission; I'll tell him your thought, by what dropt from him in conversation, that it would exactly suit the genius of his taste. Shall I? Yes.—Duke," (raising his voice a little, and speaking across the table.)—"Oh, no! how can you?"—"Why not?—Duke," (with a glance at Caroline) "will you allow me to take wine with you?"—"I thought," said she, relieved from her trepidation,

and laughing slightly, "you would never say any thing so very strange."—"You have too good an opinion of me; I blush for my unworthiness. But confess, that in fact you were rather alarmed at the idea of being held up to such a critic as the recommender of a bad dish."—"Oh no, I was not thinking of that; but I hardly know the Duke: and it would have seemed so odd; and perhaps he might have thought that I had really told you to say something of that kind."—"Of course he would; but you must not suppose that he would have been at all surprised at it. I'm afraid you are not aware of the full extent of your privileges, and are not conscious how many things young ladies can, and may, and will do."—"Indeed I am not—perhaps you will instruct me."—"Ah, I never do that for anybody. I like to see young ladies instruct themselves. It is better for them, and much more amusing to me. But, however, for once I will venture to tell you, that a very competent knowledge of the duties of women may, with proper attention, be picked up in a ball room."—"Then I hope," said she laughing, "you will attribute my deficiency to my little experience of balls. I have only been at two".—"Only two! and one of them I suppose a race ball. Then you have not yet experienced any of the pleasures of a London season? Never had the dear delight of seeing and being seen, in a well of tall people at a rout, or passed a pleasant hour at a ball upon a staircase? I envy you. You have much to enjoy."—"You do not mean that I really have?"—"Yes—really. But let me give you a caution or two. Never dance with any man without first knowing his character and condition, on the word of two credible chaperons. At balls, too, consider what you come for—to dance of course, and not to converse; therefore, never talk yourself, nor encourage it in others."—"I'm afraid I can only answer for myself."—"Why, if foolish, well-meaning people will choose to be entertaining, I question if you have the power of frowning them down in a very forbidding manner: but I would give them no countenance nevertheless."—"Your advice seems a little ironical."—"Oh, you may either follow it or reverse it—that is its chief beauty. It is equally good taken either way."—After a slight pause, he continued—"I hope you do not sing or play, or draw, or do any thing that every body else does."—"I am obliged to confess that I do a little—very little—in each."—"I understand your 'very little': I'm afraid you are accomplished."—"You need have no fear of that. But why are you an enemy to all accomplishments?"—"All accomplishments? Nay, surely, you do not think me an enemy to all? What can you possibly take me for?"—"I do not know," said she, laughing slightly.—"Yes, I see you do not know exactly what to make of me—and you are not without your apprehensions. I can perceive that, though you try to conceal them. But never mind. I am a safe person to sit near—sometimes. I am to day. This is one of my lucid intervals. I'm much better, thanks to my

keeper. There he is, on the other side of the table—the tall man in black,” (pointing out Mr Bennet) “ a highly respectable kind of person. I came with him here for change of air. How do you think I look at present ? ”—Caroline could not answer him for laughing.—“ Nay,” said he, “ it is cruel to laugh on such a subject. It is very hard that you should do that, and misrepresent my meaning too.”—“ Well then,” said Caroline, resuming a respectable portion of gravity ; “ that I may not be guilty of that again, what accomplishments do you allow to be tolerable ? ”—“ Let me see,” said he, with a look of consideration ; “ you may play a waltz with one hand, and dance as little as you think convenient. You may draw caricatures of your intimate friends. You may *not* sing a note of Rossini ; nor sketch gateposts and donkeys after nature. You may sit to a harp ; but you need not play it. You must not paint miniatures nor copy Swiss costumes. But you may manufacture any thing—from a cap down to a pair of shoes—always remembering that the less useful your work the better. Can you remember all this ? ”—“ I do not know,” said she, “ it comprehends so much ; and I am rather puzzled between the ‘ may’s ’ and ‘ must not’s. ’ However, it seems, according to your code, that very little is to be required of me ; for you have not mentioned any thing that I positively *must* do.”—“ Ah, well, I can reduce all to a very small compass. You must be an archeress in the summer, and a skater in the winter, and play well at billiards all the year ; and if you do these extremely well, my admiration will have no bounds.”—“ I believe I must forfeit all claim to your admiration then, for unfortunately I am not so gifted.”—“ Then you must place it to the account of your other gifts.”—“ Certainly—when it comes.”—“ Oh it is sure to come, as you well know : but, nevertheless, I like that incredulous look extremely.”—He then turned away, thinking probably that he had paid her the compliment of sufficient attention, and began a conversation with the Duchess, which was carried on in such a well regulated under tone, as to be perfectly inaudible to any but themselves.’ pp. 92–99.

The bustling importance of Sir Thomas Jermyn, the fat duke and his right hand man the blunt toad-eater, Mr Charlecote, a loud noisy sportsman, and Lady Jermyn’s worldly prudence, are all displayed and managed with considerable skill and great power of amusing. One little sin against good taste, our author sometimes commits—an error from which Sir Walter Scott is not exempt. We mean the humor of giving characteristic names to persons and places ; for instance, Sir Thomas Jermyn is Member of Parliament for the town of Rottenborough. This very easy and appellative jocularly seems to us, we must confess, to savour a little of vulgarity ; and is therefore quite as unworthy of Mr Lister, as Dr Dryasdust is of Sir Walter Scott. The plainest names which can be found (Smith, Thomson, Johnson, and Simson, always excepted), are the best for novels.

Lord Chesterton we have often met with ; and suffered a good deal from his Lordship : a heavy, pompous, middling peer, occupying a great share of the conversation—saying things in ten words which required only two, and evidently convinced that he is making a great impression ; a large man, with a large head, and very landed manner ; knowing enough to torment his fellow-creatures, not to instruct them—the ridicule of young ladies, and the natural butt and target of wit. It is easy to talk of carnivorous animals and beasts of prey ; but does such a man, who lays waste a whole party of civilized beings by prosing, reflect upon the joy he spoils, and the misery he creates, in the course of his life ? and that any one who listens to him through politeness, would prefer toothach or carach to his conversation ? Does he consider the extreme uneasiness which ensues, when the company have discovered a man to be an extremely absurd person, at the same time that it is absolutely impossible to convey, by words or manner, the most distant suspicion of the discovery ? And then, who punishes this bore ? What sessions and what assizes for him ? What bill is found against him ? Who indicts him ? When the judges have gone their vernal and autumnal rounds—the sheep-stealer disappears—the swindler gets ready for the Bay—the solid part of the murderer is preserved in anatomical collections. But, after twenty years of crime, the bore is discovered in the same house, in the same attitude, eating the same soup—unpunished, untried, undissected—no scaffold, no skeleton—no mob of gentlemen and ladies to gape over his last dying speech and confession.

The scene of quizzing the country neighbours is well imagined, and not ill executed ; though there are many more fortunate passages in the book. The elderly widows of the metropolis beg, through us, to return their thanks to Mr Lister for the following agreeable portrait of Mrs Dormer.

‘ It would be difficult to find a more pleasing example than Mrs Dormer, of that much libelled class of elderly ladies of the world, who are presumed to be happy only at the card table ; to grow in bitterness as they advanced in years, and to haunt, like restless ghosts, those busy circles which they no longer either enliven or adorn. Such there may be ; but of these she was not one. She was the frequenter of society, but not its slave. She had great natural benevolence of disposition ; a friendly vivacity of manners, which endeared her to the young, and a steady good sense, which commanded the respect of her contemporaries ; and many, who did not agree with her on particular points, were willing to allow that there was a good deal of reason in Mrs Dormer’s *prejudices*. She was, perhaps, a little blind to the faults of her friends ; a defect of which the world

could not cure her; but she was very kind to their virtues. She was fond of young people, and had an unimpaired gaiety about her, which seemed to expand in the contact with them; and she was anxious to promote, for their sake, even those amusements for which she had lost all taste herself. She was—but after all, she will be best described by negatives. She was not a match-maker, or mischief-maker; nor did she plume herself upon her charity, in implicitly believing only just half of what the world says. She was no retailer of scandalous "*on dits*." She did not combat wrinkles with rouge; nor did she labour to render years less respected, by a miserable affectation of girlish fashions. She did not stickle for the inviolable exclusiveness of certain sects; nor was she afraid of being known to visit a friend in an unfashionable quarter of the town. She was no worshipper of mere rank. She did not patronize oddities; nor sanction those who delight in braving the rules of common decency. She did not evince her sense of propriety, by shaking hands with the recent defendant in a Crim. Con. cause; nor exhale her devotion in Sunday routs.' pp. 242–244.

Mrs Clotworthy, we are afraid, will not be quite so well pleased with the description of her rout. Mrs Clotworthy is one of those ladies who has ices, fiddlers, and fine rooms, but no fine friends. But fine friends may always be had, where there are ices, fiddlers, and fine rooms: And so, with ten or a dozen stars and an Oonalaska chief; and, followed by all vicious and salient London, Mrs Clotworthy takes the field.

'The poor woman seemed half dead with fatigue already; and we cannot venture to say whether the prospect of five hours more of this high wrought enjoyment tended much to brace her to the task. It was a brilliant sight, and an interesting one, if it could have been viewed from some fair vantage ground, with ample space, in coolness and in quiet. Rank, beauty, and splendour, were richly blended. The gay attire; the glittering jewels; the more resplendent features they adorned, and too frequently the rouged cheek of the sexagenarian; the vigilant chapron; the fair but languid form which she conducted; well curled heads, well propped with starch; well whiskered Guardsmen; and here and there fat good-humoured elderly gentlemen, with stars upon their coats;—all these united in one close medley—a curious piece of living mosaic. Most of them came to see and be seen; some of the most youthful professedly to dance; yet how could they? at any rate they tried—They stood, if they could, with their vis-à-vis facing them,—and sidled across—and back again, and made one step,—or two if there was room, to the right or left, and joined hands, and set—perhaps, and turned their partners, or dispensed with it if necessary—and so on to the end of "*La Finale*;"—and then comes a waltz for the few who choose it—and then another squeeczy quadrille—and so on—and on, till the weary many "leave ample room and verge enough" for the persevering few to figure in with greater freedom.

‘ But then they talk ; oh ! ay ! true, we must not forget the charms of conversation. And what passes between nine-tenths of them ? Remarks on the heat of the room ; the state of the crowd ; the impossibility of dancing, and the propriety nevertheless of attempting it ; that on last Wednesday was a bad Almack’s, and on Thursday a worse Opera ; that the new ballet is supposed to be good ; mutual inquiries how they like Pasta, or Catalani, or whoever the syren of the day may be ; whether they have been at Lady A.’s, and whether they are going to Mrs B.’s ; whether they think Miss Such-a-one handsome ! and what is the name of the gentleman talking to her ; whether Rossini’s music makes the best quadrilles, and whether Colinet’s band are the best to play them. There are many who pay in better coin ; but the small change is much of this description.’ I. 249–251.

We consider the following description of London, as it appears to a person walking home after a route, at four or five o’clock in the morning, to be as poetical as any thing written on the forests of Guiana, or the falls of Niagara.

“ Granby followed them with his eyes ; and now, too full of happiness to be accessible to any feelings of jealousy or repining, after a short reverie of the purest satisfaction, he left the ball, and sallied out into the fresh cool air of a summer morning—suddenly passing from the red glare of lamplight, to the clear sober brightness of returning day. He walked cheerfully onward, refreshed and exhilarated by the air of morning, and interested with the scene around him. It was broad day-light, and he viewed the town under an aspect in which it is alike presented to the late retiring votary of pleasure, and to the early rising sons of business. He stopped on the pavement of Oxford-street, to contemplate the effect. The whole extent of that long vista, unclouded by the mid-day smoke, was distinctly visible to his eye at once. The houses shrunk to half their span, while the few visible spires of the adjacent churches seemed to rise less distant than before, gaily tipped with early sunshine, and much diminished in apparent size, but heightened in distinctness and in beauty. Had it not been for the cool grey tint which slightly mingled with every object, the brightness was almost that of noon. But the life, the bustle, the busy din, the flowing tide of human existence, were all wanting to complete the similitude. All was hushed and silent ; and this mighty receptacle of human beings, which a few short hours would wake into active energy and motion, seemed like a city of the dead.

“ There was little to break this solemn illusion. Around were the monuments of human exertion, but the hands which formed them were no longer there. Few, if any, were the symptoms of life. No sounds were heard but the heavy creaking of a solitary waggon ; the twittering of an occasional sparrow ; the monotonous tone of the drowsy watchman ; and the distant rattle of the retiring carriage,

you felt unable, and, indeed, unwilling to remove. With positive affectation, malevolence itself could rarely charge her; and prudish censure seldom exceeded the guarded limits of a dry remark, that Miss Darrell had "a good deal of manner."

"Eclat she sought, and gained. Indeed, she was both formed to gain it, and disposed to desire it. But she required an extensive sphere. A ball-room was her true arena; for she waltzed '*à ravir*,' and could talk enchantingly about nothing. She was devoted to fashion, and all its ficklenesses, and went to the extreme whenever she could do so consistently with grace. But she aspired to be a leader as well as a follower; seldom, if ever, adopted a mode that was unbecoming to herself, and dressed to suit the genius of her face." pp. 28-29.

Tremendous is the power of a novelist! If four or five men are in a room, and show a disposition to break the peace, no human magistrate (not even Mr Justice Bayley) could do more than bind them over to keep the peace, and commit them if they refused. But the writer of the novel stands with a pen in his hand, and can run any of them through the body,—can knock down any one individual, and keep the others upon their legs; or, like the last scene in the first tragedy written by a young man of genius, can put them all to death. Now, an author possessing such extraordinary privileges, should not have allowed Mr Tyrrel to strike Granby. This is ill managed; particularly as Granby does not return the blow, or turn him out of the house. Nobody should suffer his hero to have a black eye, or to be pulled by the nose. The Iliad would never have come down to these times if Agamemnon had given Achilles a box on the ear. We should have trembled for the Æneid, if any Tyrian nobleman had kicked the pious Æneas in the 4th book. Æneas may have deserved it; But he could not have founded the Roman Empire after so distressing an accident.

ART. VIII.—*England enslaved by her own Slave Colonies. An Address to the Electors and People of the United Kingdom.* By JAMES STEPHEN, Esq. London. 8vo. pp. 91. Hatchard, 1826.

THE able and eloquent author of this pamphlet has added, by the publication of it, very considerably to the obligations, already almost too numerous and weighty to be reckoned up, which he had conferred upon his country and mankind, in the course of the unceasing warfare so long waged by him against

the greatest practical evil that ever disgraced human nature. We may be permitted, we trust, to congratulate him upon the happier auspices under which he now continues his pious labours: For the public feeling which had so long slept, is once more awake, and a peal has been rung from one end of the island to the other, which we regard as the knell of this accursed system. But it can only prove to be so, through the firmness and virtue of those whom Mr Stephen addresses—the Electors of the United Kingdom. If, at the approaching dissolution, they bear in mind the paramount duty of returning men only who will give in Parliament the faithful expression of the universal opinion and feeling upon this great question, the triumph of justice and humanity is assured. If they neglect their duty, let them rest satisfied, that no effective reform will be made in a system upheld by so many interests, and, if not screened, at least most inadequately assailed by the Government of that country, which has, with a rare union of sentiment, utterly renounced and rejected it. Before proceeding to state the grounds upon which we lament this temporizing policy, we shall shortly advert to some of Mr Stephen's topics, for the purpose of giving the reader a sample of his animated and convincing appeal.

The Resolutions unanimously passed by the House of Commons, 15th May 1823, are fresh in the recollection of every one who attends to this subject. After stating the expediency of adopting 'effectual and decisive measures for meliorating the condition' of the slaves, they recognise distinctly the duty of restoring these unhappy beings to the rights of subjects, as soon as the change can be effected with safety to themselves, and justice towards their masters. The Ministers, therefore, were expected to open some plan founded upon this principle;—and they did so. The measures propounded too were right and good, as far as they went; and their general adoption would have effectually improved the condition, and, with the condition, the character of the slaves: But the adoption of them was unfortunately left to the colonies themselves; unfettered, or only influenced by the weight of *recommendations* from the Government at home. Upon this Mr Stephen somewhat indignantly observes—

'The experienced friends of the Slaves must have lost their memories or their understandings, if they had entertained a hope that such a course would produce any good effect. They saw in it, if not frustration and positive mischief, at least certain disappointment and delay. Recommendation to the Assemblies!! Why, the experiment had been tried repeatedly, during a period of twenty-six years, as well before as after the abolition of the Slave trade; and had uniformly and totally failed! The Crown, the Parliament, and that far

more influential body, the West India Committee of this country, with Mr Ellis at the head of it, had all recommended, supplicated, and even menaced, in vain. Not a single Assembly had deigned to relax one cord of their rigorous bondage; or to adopt a single measure that had been proposed to them for the temporal or spiritual benefit of the Slaves, except in a way manifestly evasive, and plainly intended, as well as proved by experience, to be useless; while some of those inexorable bodies had even met the solicitations of their Sovereign, and the resolutions of the Supreme Legislature, with express rejection and contempt. Recommendation to the *Assemblies!!!* to the authors of every wrong to be redressed! of every oppression to be mitigated! to Slave-masters, the representatives of Slave-masters, hardened by familiarity with the odious system in which they have been long personally engaged, and surrounded with crowds of indigent and vulgar Whites, to whom slavery yields a sordid subsistence, and the degradation of the Blacks is privilege and respect! You might as well recommend toleration to Spanish Inquisitors, or Grecian liberty to the Turkish Divan.

‘ They knew well from long experience how little reliance was to be placed on that apparent disposition which the West Indian friends of the minister, and the proprietors resident here had, in general, manifested in Parliament to support the measures in question. These gentlemen are always on the side of melioration when it is to be referred to the Assemblies, but never when it is proposed to be effected by the only practicable means; and it is no new thing with them thus to save their own credit in the first instance, and then support with all their collective weight in Parliament, the opposition of their friends and agents abroad to the very propositions in which they themselves have expressly concurred at home.

“ Had these views been disputable in May 1823, they would long since have ceased to be so. The experiment has again been tried; and what has been the result? To the *mother country*, disparagement of her dignity, insolent denial of her constitutional authority, aggravation of her Colonial expenses, additional destruction of her brave troops in a sickly and inglorious service:—to the *Slaves*, a procreation of hopes the most interesting that ever cheered the hearts of men in their unhappy situation, only to be cruelly strangled in their birth; to many of them bloodshed and death, to many more the privation of those religious benefits most scantily enjoyed before, which were their only human comfort.’ pp. 4–5–6.

Accordingly, he finds that nothing has since been done; or rather, correcting himself, that much has been done, ‘ but all in the way of aid, encouragement, and bounty ’ to the colonists, and all calculated to give them strength and courage in continuing the worst abuses of the system. The relaxation of the Navigation Law has been entirely in their favour; the duty on foreign produce, amounting to a prohibition, continues, while we affect to make trade free, so that sugar is now con-

sumed by the people of this country at twelve or fifteen shillings a cwt. dearer than they might get it elsewhere; the bounty is increased, which raises its price, and costs the consumer, by the avowal of the West Indians themselves, above 1,200,000*l.* a year; the protecting duty on East India sugars is kept up, so as to prevent sugar, the produce of free labour, from entering into a competition with that which is the growth of the cart-whip, and which, but for the duty, not even a voyage of treble length and risk could shut out of our markets. Nay, so determined is the preference given to slavery, that this protection has been recently extended to the sugars grown in the Isle of France, though locally situated in the East, and only resembling our West Indian settlements in the slavish condition of its wretched peasantry. A Company, too, has been formed under the sanction of the Legislature, for helping the planters and their mercantile connexions, securing them against the risks incident to their precarious and most gambling pursuits, and enabling their unhappy slaves to be held in property by shareholders, who can neither know nor care at all about their treatment and condition.

These heads are cursorily referred to; but the strongest proof of the dominion exercised by the West Indian body over our Government, is, in the author's opinion, to be gathered from the policy pursued towards the Island of St Domingo, or Hayti: And certainly, if successful prediction for many years, when most men's opinions were against his, can give any one a right to be heard with respect, our author may fairly put forward this claim: For he has uniformly foretold the hopelessness of all attempts to subdue that important settlement, and has warned this country of the risk she ran, in continuing to estrange herself from a neighbour, who might so easily be made a useful friend, or become a formidable enemy. Whatever opinion men might entertain upon this question at the period of the French expedition in 1802; whether they then believed it possible to subdue the new Black Republic, and restore the dominion of the mother country and the Whites, or held such an event to be no longer possible; and whether they deemed the subjugation of the Blacks desirable to other powers holding slave colonies in the Antilles, or not—it seems clear that, after the failure of the expedition, when the impossibility of overthrowing the Black power was completely demonstrated, and its consolidation in a regular form of government, capable of maintaining the relations of peace and alliance, was effected, every consideration of policy—and, most of all, those well-grounded apprehensions of danger from such a neighbour, which, while the contest was doubtful, justified a wish that the

White power might prevail, now dictated the cultivation of a friendly understanding with the republic. There was every facility given for this by the successive rulers of Hayti. 'With regard to exterior relations,' to use our author's words, 'they had one only and one anxious wish; and that was to cultivate the amity and obtain the alliance of England. They courted us almost to servility; they endured many insults from the Slave-masters of our islands with exemplary patience; they gave us, without any equivalent, commercial privileges of the most decisive kind, exclusive of the Americans and all other neutral nations; and they so carefully avoided every occasion of offence to their contemptuous neighbours of Jamaica, that not even a complaint, true or false, has been heard of, to my knowledge at least, from that jealous and hostile quarter. Our ships of war were received in their ports with every honour the government could possibly pay; and our officers (Sir Home Popham among others) were astonished at the elegance and splendour with which they were entertained on shore.' This opportunity lasted for above ten years, that is, until peace with France presented any obstacle to the true policy of England; and since that event, the disposition of the Haytian government remaining the same, our perseverance in the same impolitic course has been equally unaltered.

'Boyer, menaced with the horrors of a new invasion, though fearless of its ultimate event, has, since our peace with France, persisted in courting our friendship. No stronger instance of it can be desired, than that while the flags of all maritime nations were eagerly frequenting his ports, bringing an overflow of the merchandize of Europe and North America, and taking his produce in return, he exacted from all other foreigners duties of 12 per cent. *ad valorem*, and only 5 per cent. from the merchants and ships of Great Britain. Nor did he withdraw this important privilege till the month of April last, notwithstanding the repulsive coldness and contempt with which we had received it, and the continued provocations he met with from Jamaica.

'We were no longer indeed at liberty, without a shadow of international wrong, to enter into a treaty of alliance with this new power, while yet unrecognised by the former sovereign, with whom we were now at peace. That golden opportunity had been lost beyond recall; yet there was a middle line of conduct, such as we have adopted towards the new South American States, and to which France could not with reason, or without gross inconsistency, have objected. We might have given a national sanction and safeguard to the existing commerce, and secured the continuance of its privilege, by appointing resident consuls, and even by sending envoys to the court of Port-au-Prince, as we have done to Buenos Ayres, to Mexico, and Columbia. We might have thus acted, I may add, with greater

reason and more apparent justice, towards Hayti, than towards any of the revolted colonies of Spain; because the independency of the Haytian people had been longer, and more firmly and unequivocally established in point of fact, than that of any of their continental neighbours; and no advantage could, in their case, have been alleged to have been taken of the weak and distracted situation of the Parent State. On the contrary, France during several years of peace and internal tranquillity, and when powerful enough to cast her shield over the impotent monarchy of Spain, and to occupy its territories with her armies, had practically acquiesced in the independency of Hayti, as a loss of sovereignty not to be retrieved. What is still stronger, she had herself virtually recognised its government, by repeatedly attempting to treat with it; and latterly it was well known, that the recognition of its independency was only a question of terms; whereas Spain, even in the extremity of her weakness, has not yet condescended to treat with her revolted subjects; and the Royal standard is still supported among them by faithful though feeble adherents. If a further argument *à fortiori* were wanted, we were under no self-defensive necessity to secure the amity, or guard against the future enmity of the South American States; whereas a free Negro state, in the centre of the Antilles, unless secured as a friend, was obviously likely to prove to us a most formidable and dangerous enemy. Should France recover her sovereignty there, over a nation of free and military Negroes, or what perhaps was still worse, if she should gain them as independent allies and confederates, it was manifest that our West Indian possessions must hereafter lie at her mercy. But powerful and urgent as these national considerations were (immense commercial advantages on the one side, fearful public dangers on the other), colonial influence still prevailed.

‘The finishing stroke to our infatuated policy was that last exception, that last inconsistency, in our new system of trade and navigation, which I proposed to notice. In laying open our colonial trade to all nations, we made a special exception in the case of Hayti, highly offensive and injurious to that country, forbidding, under extreme penalties, all intercourse whatever between it and Jamaica. By the statute 6th Geo. IV. cap. 114, sec. 48, it is provided, first, that no British merchant ship shall sail from any place in Jamaica to any place in St Domingo, or *vice versa*, under penalty of *forfeiture of ship and cargo*. Secondly, that no *foreign ship* which shall have come from, or in the course of her voyage have touched at, any place in St Domingo, shall come into any port or harbour in Jamaica, *under the like penalties*. Thirdly, that if any person shall be landed in Jamaica from on board any ship which shall have come from or touched at St Domingo (*without restriction to the same voyage even*), the ship and cargo shall be forfeited.’ pp. 22–24.

Now, agreeing in nearly the whole of these remarks, and ascribing most of the impolicy complained of to the same cause, the influence of West Indian prejudices, we neverthe-

less think Mr Stephen has omitted the consideration of another prejudice, in a different quarter, and which produced no little obstruction to the recognition both of Hayti and of the other Independent States in America—we mean the old Tory dislike of American freedom, in every part of that hemisphere. That court party which so long withstood the claims of the country to a free intercourse with South America, through the acknowledgment of its independence, was certain to reject still more vehemently any proposition for the recognition of Hayti, where the twofold consideration of colonial relations and negro slavery was interposed. Its efforts have, indeed, been overpowered by the united voice of the country, as far as regards the South American States; and we may therefore presume that it no longer forms any part of the obstacle to the recognition of Hayti, but that colonial prejudice alone now dictates such foolish and unjust provisions as we have cited; provisions that tend only to perpetuate feelings, the speedy extinction of which is absolutely necessary for the safety of our slave colonies.

Mr Stephen proceeds to state his reasons for undervaluing the importance of our West Indian territories. According to him, the whole business of sugar planting is a lottery, in which the prizes are of much less value than the price of the tickets. The great majority of those who engage in sugar planting are, he maintains, sooner or later ruined by it. For this he cites the statements of the colonial bodies themselves in their Reports and Petitions. Thus, a Report of the Jamaica Assembly, in 1792, asserts that, during the preceding twenty years, 177 estates had been sold in that Island for the payment of debts, 92 more were in the hands of creditors, and executions had been lodged in the Marshall's Office for 22,563,786*l.* Sterling. In 1807, things had not improved; the same Body then states, that one-fourth of the estates in the Island had been lately thrown up, or brought to sale, or were in Chancery. And in 1811, the Assembly represents, that 'estate after estate had passed into the hands of mortgagees and creditors absent from the place, until there were whole districts, indeed whole parishes, without a single resident proprietor of a sugar plantation.' By far the most prosperous period ever known to the sugar planter, was that which immediately succeeded the revolution in St Domingo, the ten years following 1791. Yet Mr Marryatt declared in the House of Commons, in 1813, that 'there were few estates in the West Indies which had not, during the last twenty years, been sold or given up to creditors.' Bryan Edwards speaks a similar language in 1792, when he says of

the sugar planters, 'Many there are who have competencies that enable them to live with economy in this country; but the great mass are men of oppressed fortunes, consigned by debt to unremitting drudgery in the colonies, with a hope which eternally mocks their grasp of happier days, and a release from their embarrassments.' (Vol. ii. Book 6, chap. 5.) And Mr Tobin, another West Indian, asserts, 'that for one planter that lives at his ease in Great Britain, there are fifty toiling under a load of debt in the colonies!' The Report of the West India Committee of the House of Commons in 1807, state 10 per cent. as the return on capital necessary to give the planter a living profit, and yet that the returns had not averaged one third of this amount upon a long series of years.

From all these facts the conclusion seems inevitable, that men embark in this trade with a view merely to the chance of gaining one of the prizes; and that for this chance they run the risk of losing all they adventure in it. It is therefore a gaming rather than a trading concern; and the whole profits being less than the whole sums risked, or rather expended, a few individuals may gain, but the community is a loser. Our author is therefore of opinion that, in a national point of view, the loss occasioned by the colonies is not merely the million and a half yearly which he reckons that we pay for their government and defence by sea and by land; but the capital sunk without any return, the whole expenses and losses of individuals being greater in amount than their whole gains. To this he adds the portion of the national debt which may be ascribed to the last war in the West Indies—and the thousands of lives which a climate, more destructive by far than the sword, for so many years consumed—a waste greatly increased by the rooted prejudice of the West Indians against employing Black regiments. Without acceding to all these positions, and thinking that he omits some very material considerations in the account, we nevertheless must allow, that the tendency of his statements, and of the facts he appeals to, is greatly to reduce the estimate usually formed of the evils which would result from those settlements either being lost to the mother country, an event most unlikely ever to happen, or being gradually changed from sugar plantations to communities of free negroes, cultivating their own lands and the estates of their White landlords, and raising, beside the provisions necessary for their support, a sufficiency of the exportable produce most easily grown, without compulsory labour. Why any kind of produce should not be raised by free labour in the West Indies, as well as in the East, appears somewhat difficult to understand; but we are assuming the Colonial argument to be

well founded, and stating the worst that can happen to the community, according to the apprehensions of the planters themselves. To all who calmly consider the subject, it seems by far more likely that the only effect of the present competition of East India sugars, and of the gradual emancipation of the slaves, will be to throw the inferior lands out of cultivation, or rather to increase by means of them the stock of provisions, while the best soils are still employed in raising West India produce for exportation, by the labour of hired workmen, and the management in many cases of negro owners or tenants.

After a variety of statements and remarks upon the odious system of West India slavery, our author comes to the delicate subject of the influence exerted by its patrons over the deliberations of Parliament; and although he perhaps overrates the numbers of those immediately connected with the colonies, who are in the House of Commons, it is impossible to deny that they form a large, and what is still more effectual, a closely compacted body, whose numerical strength makes them formidable, but whose weight with the Government is far more to be dreaded. The remedy, he says, is in the hands of the elective body; let them, at the approaching elections, the voice of the country having been loudly and universally pronounced against these intolerable abuses, require from every candidate, for their suffrages, a pledge that he will attend in his place as often as any question affecting the slaves is to be brought forward, and give his vote for whatever shall tend to the mitigation and gradual termination of the state of slavery; and, above all, that he will oppose those attempts so often resorted to, and now proved to be subterfuges, of referring the remedy for the evil, to the legislatures of the colonies. He then addresses men of various political parties, and first the friends of liberty.

‘ To you, friends of universal freedom, who glory in the old appellation of *Whigs*, and regard all absolute authority, civil or political, with pre-eminent suspicion and dislike; to you in whose eyes even the liberties of Englishmen are not perfect, or require at least additional securities; to *you* my first invocation shall be made. What a reproach would it be to your principles, if you should not be among the foremost in endeavouring to relax the heavy and degrading yoke of private Slavery in our colonies? What, in comparison with *that*, is political thralldom, even to a foreign power; or what are civil and military despotisms, in the worst forms of them known in Europe? In what region, and in what age, was grosser violation ever done to the natural rights of man? or, to avoid terms that have been abused, where or when did the institutions of mankind so completely annihilate, for the sake of the despotic few, every benefit

that the subjugated mass can be alleged to have derived from the civil union?

' You are zealous in the cause of the oppressed Greeks; and the feeling does you honour. You reprobate strongly the illiberal despotism that presses down its yoke on the necks of the unfortunate Spaniards; and it is a right and generous indignation. Can you then be insensible to the far more intolerable wrongs, to the far more goading oppression, which the poor Africans suffer under your own dominion? The Greeks have not yet been driven by the cart-whip; and many a tyrant, more illiberal and ungrateful than Ferdinand, is maintained by British bayonets, as he by French ones, on the petty thrones of the Plantations. Surely, also, it ought to be a heart-stirring distinction, that the Greeks and Spaniards have not to accuse us as the authors of their miseries; while there is scarcely a slave in the British West Indies on whom, or his ancestors, we did not originally impose the cruel yoke he wears; and that by atrocious means, which we have ourselves since confessed to have been repugnant to humanity and justice.

' Take the lead then, as it will well become you to do, in the present arduous and most righteous struggle. You have, I too well know, some inconsistent partisans and leaders who would warp you from your natural course for their own private interests; but they are unworthy of the appellation they assume. The name of Whig is a brand on the forehead of every man who is a defender of Colonial Slavery.' pp. 83, 84.

As the cry of loyalty has been raised by the friends of Negro slavery, our author next addresses the Tories, and shows how vain the pretext is which would connect the horrid abuses of the system with a regard for the established order of things; and he concludes his appeal by a far more solemn and eloquent address to the 'servants of God.' We cite a portion of the former and of the latter passage.

' And whose are the rights and interests that they thus violently oppose and trample on? A disaffected populace? No; but an unfortunate class, mocked with the names of his Majesty's subjects, who fondly look for protection and relief only to the King and his Government, and fain would, but cannot, "fly from petty tyrants to the throne." Be not deceived then by the crafty pretences and idle clamours of these pseudo-loyalists; nor let your honourable principles be disgraced by a supposed affinity to theirs. As far as constitutional interests are concerned at all, their cause is the very opposite of yours. It is plainly derogatory to the constitutional power and glory of the Crown, that the mass of the Colonial population, like the vassals of the feudal barons, should have intermeddiate sovereigns, to whom, much more than to the King or his laws, their allegiance must be paid. In their degraded breasts the noble sentiment of loyalty can find no place. The master, to them, is every

thing, and the monarch an empty name. They find that they are subjects by the sword only, not the sceptre. They find it only when their blood is to be shed, either by judicial sentence, or military execution, in the name of the King, against whom they are preposterously said to have offended or rebelled, in most cases of insubordination to their masters.

‘ Among other consequences of this odious system that ought to be offensive to every liberal and loyal heart, the authority of the Sovereign is so degraded as to be actually made subordinate and ministerial to that of the master; not only by enforcing obedience to him, but by the actual execution of his vindictory mandates directed to the King’s officers; and that to an extent of punishment greater than is inflicted here for most felonious offences. By the master’s order alone, without any examination of its justice, his slaves are received into his Majesty’s prisons, and by his officers attached to a chain, and driven by cart whips in a file of similar victims, and of convicts judicially condemned to that hard punishment, to hard labour in the public streets or roads.

‘ The pedestals of the British Throne are law, justice, and well-regulated freedom; all which this odious institution of private slavery subverts. Its most glorious and darling prerogative is mercy; but of this the slave is no object. No royal grace can absolve him from those harsh penalties which the master thinks fit to adjudge,—not even those which I have last mentioned, of which the Crown is the executioner. How, my loyal fellow-subjects, can your feelings be expected to patronize a system like this?

‘ Servants of God, of every description, my last and surest appeal is made to you. Of whatever faith you are, Churchmen, Dissenters, Catholics, Theists of every kind; if you believe that there is a God, the common Parent of the human race, who delights in justice and mercy, behold a cause that demands your strenuous support. The Slave-masters would craftily divide you. They would avail themselves of your theological differences: and especially would persuade you, if they could, that those who earnestly maintain this cause of God and man, are all fanatics and enthusiasts. But what creed will he found to countenance a system like theirs, when its true nature is developed? Even the Mahometan faith proscribes it, though in a much milder form, except as a scourge for unbelievers.

‘ What then? is it pushing religious zeal too far to say that innocent fellow-creatures ought not to be left in a perpetual hereditary slavery? that unoffending men, women, and children, ought not to be deprived of all civil and human rights, and condemned to toil for life, like cattle, under the whips of the drivers? Is it enthusiasm, to hold that a slavery so rigorous as to have destroyed thousands and tens of thousands of its victims in our Sugar Colonies, and which is still so fatal that the most prolific of the human race cannot maintain their numbers in it, ought to be legalized by law? Is it fanaticism, to regard a bondage imposed by acknowledged crime, as one that

cannot be rightfully protracted, and fastened on the progeny for ever? Then let religion and wrong, religion and cruelty, religion and murder, shake hands.

‘ To such of you as are deeply impressed with the truth and importance of the doctrines peculiar to Christianity, and zealous for their propagation, and to such of you as are accustomed to observe and recognise the hand of Divine Providence in the government of the world, there is much more than I could wish to say. I might appeal to the principles you hold most sacred, for the duty of lending your aid to reform an impious system which shuts out the light of the Gospel, and violates in the grossest manner all its precepts; which keeps in a cruel thralldom the minds, as well as bodies, of its unfortunate victims; and adds to its other enormities antichristian persecution. I might show the inconsistency of the charitable efforts you are making to convert your fellow-creatures in the most distant and uncivilized regions of the globe, while you suffer your fellow-subjects to be kept in Pagan darkness, and the vilest moral degradation, not by choice, but by compulsion, through a domestic tyranny which your own power, within your own territories, impiously upholds. I might prove to your entire conviction how hopeless it is that the poor slaves in general should be made Christians, in more than name, by any means that have been adopted, or can be used, without raising their temporal condition.’ pp. 86–89.

We could not pass over this interesting Tract unnoticed, consistently with the respect due to its merits, and to the eminent services of its author, one of the most distinguished veterans in the sacred warfare so long waged against Slavery and the Slave Trade. But we now hasten to lay before the reader, some illustrations of the subject still more striking, both because they are drawn from facts very recent, and because they are furnished by witnesses the most unexceptionable, the West Indians themselves. They bear upon both the great branches of the argument—the vices of the slave system, and the necessity of Parliamentary interference to reform, or rather extirpate them.

It is known to most of our readers, that the Bill for making the evidence of slaves admissible against Whites, having been almost unanimously rejected by the Assembly of Jamaica in 1814, was again introduced in the session held by that body in November and December last. Although it met with the same fate as before, yet a considerable number of members supported it; and some very important facts were stated in the course of the able and interesting debates to which the measure gave rise. These facts come from persons who are evidently most strenuous and unprejudiced advocates of the slave system. Supporting the bill in question, some for its own sakes, others for the purpose of satisfying the Government and people of this country, but

evinced the most determined hostility to all reforms which may end towards the extinction, however gradual, of slavery, and manifesting the most bitter enmity towards all who espouse the liberal side of the question. So far indeed are these feelings carried, that the West Indian Body resident in England are the objects of unsparing invective, because they have recommended the adoption of certain reforms; and the greatest virulence, both against that body and against the party of the abolitionists, is displayed by the friends of the slave evidence bill, much greater indeed than by its opponents. Now, it is from the statements of those friends, thus adverse as they are to all the views of the abolitionists, that we are about to cite some important particulars.

Mr Mais, Custos of St Andrews (an office answering to our *Custos Rotulorum*, and therefore placed at the head of the district administration of justice), related the following fact. ‘There is one instance which, because of recent occurrence, I must take leave to mention: It is the case of a female slave, who, on her return home, was met by a free man of colour, who had been out shooting. A little dog, which accompanied her, barked, and probably may have snapped at the man. This irritated him, and he threatened to shoot the dog; the woman, alarmed for his safety, called out “Oh! don’t shoot him; don’t shoot my dog;” upon which the man turned angrily upon her, and said, “Not shoot him? I’ll shoot you if you say much,” and, with little ceremony, lodged the contents of his piece in her side! This was in the face of day, in the presence of many persons, but who, being slaves, were not qualified to give testimony on the occasion. This was a damning fact, and yet the offender escaped! Shall it be said then that such a provision as is now sought for is not necessary?’

The same gentleman gives a most triumphant answer to the objection used against admitting slave evidence from the risk of perjury,—from the danger which is said would arise from the hatred the negroes are supposed to bear the whites.

‘And who (he asks) are the people to whom these terms are thus generally applied? A class of individuals, with whom we are in constant intercourse—who have free access to our presence by day, and who, in the dead hour of night, could, by applying their fingers to a latch, gain the ready means to satisfy every feeling of revenge undiscovered, were they so disposed. Is it to be endured then, Sir, that we are to be told, that such persons would seek revenge through the medium of the Courts of Justice, with all the dangers which accompany such a course, when easier means are continually within their power? Such

‘an assertion is an insult to common understanding. We are accustomed to sleep with our doors and windows unsecured: In what part of civilized Europe dare such a course be pursued? And yet these people, on whom we thus fearlessly rely, are not sufficiently civilized to receive the trifling boon which is now sought in their behalf? Sir, in visiting my own properties, or those for which I am concerned, I invariably lay myself down to rest in full confidence of security, and never yet have I had cause to regret such confidence. Surely, in the midst of 300,000 of such beings, are none to be found worthy of favourable distinction? What must be the state of our slave population, could such an assertion fairly be made?’

We may be permitted in passing to observe, that this argument applies most powerfully to all the other branches of the question. Surely if the negroes are thus faithfully characterized by Mr Mais, he cannot with any consistency assert that there is danger to be apprehended from gradually advancing them in knowledge and comfort, and then attaching them by the inestimable boon of freedom, as soon as they are in a condition to enjoy it. He bears a testimony equally strong against the alarm, felt sometimes perhaps, but much oftener affected, respecting the supposed tendency of measures for the advantage of the slaves, to excite revolt through misapprehension. His remarks apply forcibly in answer to all the charges brought against the enemies of the slave system in this country; and demonstrate, that if no risk attends these discussions in Jamaica, so neither can any danger be apprehended from the like deliberations in the mother country. “I am aware” (says he) “that, even in such a laudable pursuit, it requires great discretion so to act as to promote the good of the slaves without exciting improper expectations, which may prove injurious to all. *If any such excitement does exist on the present occasion, it has been raised by the opposers of the bill; by misrepresentations through the medium of the press, and by letters circulated throughout the country, in order to excite opposition.* The time was when such a discussion as the present would have caused the doors of the House to be shut; but now, in spite of all that may be said by the alarmists, we can safely enter into the subject—the truth known can occasion no just alarm, it is only misrepresentation that is to be apprehended.”

Mr Stewart, the Custos of Trelawney, and father of the House, confirmed this statement of the misrepresentations made in the Island by letters from Kingston, for the purpose of exciting prejudice against the bill, and related two facts, too horrible to be credited upon testimony less indisputable. “A woman had her neck inhumanly twisted off; and, though there was no doubt

of the offender's guilt, still the case could not be brought before a jury—not because the crime was not committed—not because there was a doubt of the truth of the evidence against the criminal—but because that evidence was not legal. Again, (he asked), have we not another fact within our knowledge—knowledge which every Member is possessed of—that in this town a White man—a monster of cruelty—shut up, concealed in a room in his house, an unfortunate female slave, and shrouded in darkness (undiscovered as he hoped), with a hot iron used for branding cattle, marked, disfigured, mutilated that fellow-being, whose misfortune it was to be under his remorseless power! He trusted in the defect of the law—he knew her evidence, as a slave, could not be received; but it chanced that a young man of colour seeing the windows shut, and a smoke issuing from the room, suspected what was going on, and by means of a crevice became a witness of the horrid act. The offender, a man of the name of Lee, was convicted and punished. The object of his atrocity is now a free woman, and supported at the public charge.”

We have now before us the address delivered 21st April 1825, by the learned Chief-Justice of Jamaica, to a planter convicted of manslaughter. We extract it as given in the Kingston Royal Gazette. ‘ You were indicted for the wilful murder of a female slave: but the Jury found you guilty of manslaughter. ‘ It appeared in evidence, that you had been amusing yourself ‘ by firing a loaded gun out of your dwelling-house. After ‘ some time had elapsed, the gun was reloaded by one of your ‘ companions, and it was proposed by yourself that he should ‘ fire it over some negroes at a distance from your house, but ‘ he very properly declined. *You then pointed out to him one ‘ of your own slaves, and desired him to fire at them, which he also ‘ declined. You then proposed that he should fire over the ‘ heads of an assemblage of negroes to frighten them; but he ‘ also refused; upon this you snatched up the gun and pointed ‘ it out at the window, when it went off and killed a female child, ‘ which fact became known immediately by the cries and lamentation of the mother.’ The Chief-Justice proceeds to make suitable reflections upon this conduct; and though we cannot for a moment suppose that there was the least intention of killing or even hurting, in the mind of the unhappy gentleman, who thus took away the life of an innocent fellow-creature, yet is it equally clear, that his whole conduct betokened very different feelings towards the negroes, from those which he would have entertained towards a group of Whites. In truth, from the perverted habits of thinking, of which we regard the planters as*

the victims in some sort, though not certainly the principal sufferers, the slaves are not regarded as human beings like ourselves. But then, how much soever we may be disposed to view lightly the conduct arising from those habits, and at all events to mingle pity with our censure, the conclusion is equally strong against committing to those over whom such habits exercise so unfortunate an influence, the adoption or rejection of measures calculated to produce more sound and natural feelings in the masters, and to elevate the slave in his character, and station, and rights.

The more we examine the most authentic records of Colonial affairs, the more numerous and striking illustrations do we find of the same position; and the late slave trials in Jamaica deserve our attentive consideration in this point of view. The official accounts of those proceedings have been laid before Parliament; and certainly nothing ever came from the West Indies more deeply deserving the attention of the legislature and the people of this country.

It appears that a gentleman of the name of Roberts, having scolded his slave-boy (this is his own account) for not getting his frocks, and asked him how he would appear to follow him about at Christmas, the boy (William) said, 'Massa, you will have a bad Christmas.' Mr Roberts said, 'Are the negroes going to rise?' William answered, 'Yes; his father told him so.'—Mr R. demanded 'il he had seen the negroes meeting?' he said, 'Yes, two times; but that his father told him more than he knew at the meeting;' and so he answers in the affirmative several other questions put by his master—suggesting in fact all that the boy speaks to,—lor the boy suggests nothing, and only adopts by assent the statements in his master's questions. William is immediately carried before four Justices, and makes a statement to the like effect, adding one or two particulars; as that he saw great bodies at the meetings, and that they flourished their cutlasses, 'declaring they would destroy all the white people.' He mentioned one slave to his master, and two others to the Justices, as having been witnesses with himself of what passed at the meetings. Of these three persons thus vouched, only one is examined either before the Justices or at the several trials; although neither of the other two are proceeded against.

No sooner do the magistrates receive this information, than they resolve upon an immediate trial. We are entitled to add, that there was no little anxiety for convictions and executions, which might strike terror about the time said by the boy to have been fixed for the rising—namely, Christmas. The other negro

examined had added, that the day was changed to the 18th, as being full moon, because they were told guard would be kept on Christmas. The reason why we say there prevailed this anxiety, is to be found in the despatch of a gentleman who sat upon the trials on the 19th December, and on the 20th writes thus:—‘ I thought it my duty to insist on the magistrates trying the negroes that had been taken, immediately, and to send their trial and sentence express, as it will, in my opinion, be highly important for the safety of the parish, and probably the island, that they should be executed before the holidays, as an example to the other negroes, and to prevent the danger of an escape, or an attempt to release them.’ This gentleman was also acting as Colonel of the Militia, and seems to have had committed to his care the whole military arrangements of the district.

Such being the desire to have executions before Christmas,—no violence, in word or deed, having been committed, not even the slightest symptom of discontent having appeared, but all the alarm, which we do not by any means imagine to have been affected, resting upon the strange, loose, and incredible story of the boy and the slave man, and on the deposition of an overseer, who swore that one night he heard some guns and horses at a distance, and saw two negroes with clean frocks in the road, who said, ‘ It’s of no use;’—a slave court is holden, and eight unhappy men successively tried in one day, upon a charge, if charge it can be called, thus specified: ‘ of being concerned in rebellions, and conspiracies, and committing *other crimes*, to the ruin and destruction of the white people and others in this island, and for causing, exciting, and promoting others to aid and assist therein; of entering into and being concerned in rebellion or rebellious conspiracy to commit murder, felony, burglary, robbery, and to set fire to certain houses, out-houses, and compassing and imagining the death of the white people in the said parish.’ The boy William is a principal witness against five of the eight prisoners; and he is a material witness in the trial of his own father; and the story he tells is wholly unworthy of credit, independent of the want of confirmation by those whom he vouches, and who are not examined,—independent of material variations in the account he gives at different times, and independent of the important fact, that when he first speaks upon the subject, it is only to give back in the shape of answers, what his master put to him in the form of questions. Before the Justices he had said, that the negroes at the meeting ‘ flourished their cutlasses, declaring they would destroy all the white people.’ At the trials he only says

far, when the object is nothing less than the administration of justice, no time can be too long that it may require. But the number of cases may, and ought to be diminished. They have grown up, in truth, from the excess to which Irish legislation has carried the principle of having cheap law. By regulating the fees, so that an action may be tried for a few shillings, a bounty has in effect been held out for the encouragement of frivolous and vicious litigation. But the measure that would most relieve the Civil Bill Courts from the number of cases they now have, would be the decisive one of abolishing all actions for small debts: For when we refer to the evidence, and see what an opening each such action presents for acts of injustice in serving process, for perjury on the trial, and for oppression in executing decrees, we cannot but agree with Mr O'Connell, that the lower orders would be great gainers by depriving them of the power of litigating small debts. The scandalous abuses in regard to serving process and executing decrees, might easily be put a stop to. In Scotland, all processes and executions are put into the hands of the officers of the Sheriff's Court; and there can be no good reason why the business should not be done in Ireland in a similar way. If the malpractices of the superior officers were once corrected, there would be no difficulty in keeping the inferior class in order.

Mr Hugh Wallace, a respectable and experienced attorney of the county of Down, recommends the following alterations in the law respecting the Civil Bill Court.

'The restriction to be discontinued on attorneys costs, and the court to have a power to award all expenses actually incurred; the practice of running a decree to be put down; the jurisdiction of the court in trover, detinue, trespass *vi et armis*, actions on warranty and special case generally, to be extended to 10*l.*; the court to be empowered to adjourn a cause; a record to be kept of the nature of each action tried: and doubts to be removed as to the intention of 35 Geo. III. c. 25., respecting the extending of antecedent statutes concerning civil bills at assizes. *

Manor Courts.—Mr O'Connell says, 'In the manor courts the most indecent proceedings take place. A vulgar fellow, a hedge schoolmaster, or driver to an estate, is made seneschal, that is, judge of the court. He holds the court generally in a miserable whisky house. It is almost an universal rule, that the jury will not go together unless they get a certain portion of whisky. I have known an instance in which a jury decided for the person who gave them most whisky, having declared they would do so.'—'I would abolish the seneschal courts. I take them to be unmixed evil; increasing

* Evidence, Commons, 156.

‘ they were flourishing cutlasses as if they would cut off some person’s head ! ’ and he ‘ thought, by their flourishing their cutlasses, and from what his father told him, they were going to cut off buckrahs (white mens’) heads ; ’ though he had said in his examination that the meetings were *before* his father spoke to him. And he repeatedly says, that ‘ *he did not hear what they said.* ’—(*Papers ordered to be printed, 1st March 1825. pp. 38, 40, 41, 42.*)

But Ned, the slave man whose evidence convicts five of the prisoners, tells a story far more circumstantial and indeed impossible,—independent of its contradicting Williams’ account in several important particulars. It seems that this conspiracy was carried on *in the high-road*, and with such perfect frankness, that upon his joining the conspirators and entering into conversation with them, their plotting goes on exactly as before he came up to them ; and the only difference that his presence makes, is his taking a part in the conversation, and causing the measures, and not merely the conversation, to take a somewhat different turn.—‘ He saw them as he was going for water last Saturday night week,—there were five negroes with the prisoner, (William had said they were ‘ *assembled in large bodies,*’ p. 38.) ; ‘ they were saying they would prepare themselves for Christmas ; they were all going to meet up, and set fire to Frontier Track-house first, and when the buckrahs came out would kill them, and when done they would come on Port Maria Bay and raise a mob, and when the gentlemen came out, would rise on them and kill them, and when they had done that, they would be free ! They were to meet at Christmas. Witness told them guard would be kept ; *they then changed the day to Wednesday this week ; and, if prevented, on Thursday, because full moon.* Remembers Charles Brown, W. Montgomery, and R. Copley there. When witness went upon them *they were going to change their word ; they were talking bad word ; witness told them never mind, he heard them.*’ (p. 41). Neither William nor Ned were sworn ; and upon their evidence five of the prisoners were convicted, including William’s father !

Another, C. Watson, was convicted on the single testimony, upon oath, of a woman who is examined in three of the trials, and gives a statement materially different each time, (as saying in one trial the insurgents ‘ were to begin with a dance,’ p. 43, and, in another, ‘ if they rose they would *not* dance ; they could not fight and dance,’ p. 41.) ; but her evidence, if all admitted to be true against Watson, amounts to nothing more than that *he told her* the negroes were going to rise at Christmas. This woman is also the wit-

ness upon whose evidence chiefly her own husband was convicted ! None of the prisoners had either counsel, or attorney, or friend to defend them; and no one question seems to have been put to any of the witnesses, with a view to try their credit or expose their contradictions. After each conviction sentence of death was immediately passed; and Colonel Cox having reported the whole to the Governor on the 20th, in the despatch already referred to, and having stated how desirable it was that there should be executions 'before the holidays,' his Grace appears to have consented without delay; and although the proceedings, such as we have seen them, were laid before his Grace, and of course before his law advisers, the whole eight men were put to death on Christmas Eve—as well the husband convicted on his wife's evidence, and the father upon his son's, as the rest.

The Colonel reports that this took place 'with all due solemnity and decorum'—showing that here, as in other parts of the proceedings, abhorrent though they be from every idea of justice in this country, yet in the West Indies, and as against slaves, they were, in some particulars at least, distinguished for their propriety. The Commissioner sent to inquire into the administration of justice in those settlements, himself a West Indian proprietor, and not therefore labouring under any prejudice against either the system or the practice, speaking of slave trials in Barbadoes, says—'In ease of conviction the proceedings are melancholy and disgraceful. Unless an appeal is demanded, no report of the trial or representation of the case is made to the Governor before the sentence is carried into effect; but the unfortunate convict is immediately executed, without any interval allowed him, upon the nearest tree.'* (*First Report*, 1825, p. 53). Colonel Cox goes on to state, in his report of the execution, that 'only one of the wretches confessed to the Rev. Mr Girod, that it was their intention to have burnt Frontier works and Port Maria, and killed the Whites; but none would mention any other negroes concerned with them, or show any symptoms of religion or repentance; they all declared they would die like men, and met their fate with perfect indifference; and one laughed at the clergyman Mr Cook, when he attempted to exhort him under the gallows. Three of them had been tried at once, and it was offered that one should turn King's evidence, but all refused,' (*Papers*, p. 41); But Dr Lushington stated, in his place in the House of Commons, that he had seen a person of undoubted credit who was present at the execution, and who

* Ital. in Orig.

informed him that, the graves of the poor creatures being dug under the gallows, in sight of them, before their execution, they were offered their lives if they would reveal their plans and their accomplices, and that they, *one and all*, refused the offer, declaring that they had nothing to disclose, and that *they died guiltless*. The Rev. Mr Girod has not thought fit to make public the alleged particulars of the confession; and justice to men who were most plainly condemned, and put to death without any thing like evidence of their guilt, and with hardly the semblance of trial, or indeed of any distinct accusation, requires us to prefer the statement for which Dr Lushington vouches, and which is so accordant with all the facts of the case, to the inference which Colonel Cox builds upon Mr Girod's assertion respecting one person, rebutted as that inference is by the conduct of the other seven, both at what is called their trial, and at the moment of execution—taking that conduct to be as described by Colonel Cox.

Here let us pause for a moment to contemplate these proceedings. The Justices who tried the prisoners had, of course, the previous examinations of the two slaves, William and Ned, before them; two of those justices, indeed, were among the four who took and signed their examinations. The contradictions were such as could not escape the most careless reader of the examinations, who afterwards heard the depositions of the same witnesses at the trials, even if the subject had been far less calculated to rouse the faculties, than the issue of life or death. What then but the perversion of intellect, occasioned by the predominating influence of alarm, can account for such a strange exhibition, as the conviction and condemnation of so many fellow-creatures upon the evidence of witnesses telling a story, not merely improbable, nay impossible in itself, but in most essential particulars the very reverse of what they had told before? So, too, of the variations made by the other witnesses in the different trials. When seventeen persons (five justices and a jury) are assembled to conduct an examination, among some inconveniences arising from so numerous a judicatory, there is this advantage at least, that no manifest contradiction between one witness and another, or variation of a witness from his own story, can pass unperceived; since, if it escapes one, another will observe it. The variations and contradictions which escaped all notice in these trials, begun and ended on the same day, can only be accounted for upon the supposition, that the persons composing the judicature, jurors as well as magistrates, were, for the time, deprived of their faculties by the alarm about insurrection. Indeed, the length to which this may carry otherwise rational and honest minds, is seen in the singular assertion

contained in the letter from the Custos and two acting magistrates, December 21st, that 'the negroes engaged in insurrection were *detected* on the night of the full moon, by the turning out of 'the light infantry company,' (*Papers*, p. 44)—a mere fiction, as all the reports and proceedings show; for, though the light infantry may have turned out and seized the negroes on that night, nothing assuredly was then detected by them or any body else; the only detection being the information of William, upon which all the arrests were made, and the examination of Angelsark, the constable in Nibb's house, where he was shown the place whence *he was told* a gun had been taken, but found no arms, any more than the other searchers did, who, as Colonel Cox admits (p. 39), could no where in the negroes houses find arms of any kind.

Then, as for the mode of treating those unhappy victims of alarm and jealousy: Eight men seized, and without a moment's delay hurried before their judges, some of those judges avowedly deeming executions necessary to preserve their own lives and properties—tried without a definite accusation—assisted by no advisers or friends—convicted by witnesses not examined upon oath—and *all* put to death within five days of their conviction! Who can ever hear of such a horrid scene without shuddering? and who can doubt that the all-powerful prejudice of colour and station—the sable hue and the servile state—reconciled to the sight itself persons who would have parted with life sooner than suffer the least of these enormities to be practised upon a free man and a white? The blame is due to the system far more than to the individuals; and the moral to be drawn from the dismal tale, is not one of harshness towards men placed in circumstances so unnatural, so calculated to pervert and mislead; but deep abhorrence of a state of society which bears such fruits—and a determination to effect its reform by appealing to those who are beyond the sphere of its influence.

The other trials were carried on much less irregularly; but they furnish abundant matter of observation. For instance, at Montego Bay, fourteen were convicted and sentenced to various punishments not capital: But the Justices who presided were divided, two of the five considering that there was no conspiracy at all, nor any thing more than 'common amusement,'—of which opinion every unprejudiced person must be who reads the evidence. Accordingly, the Governor, upon the evidence being laid before him, commuted the sentences to short periods of imprisonment, pardoned seven altogether, and expressed his regret 'that so many should have been brought to trial.' He also gives a distinct opinion that there was no conspiracy. 'After the most careful perusal of the evidence, His Grace has

‘ not been able to discover a concert or combination among them for any criminal purpose.’ (*Papers*, p. 62). At St George’s sixteen slaves were tried; and the only evidence against them was the testimony of Mack and Corberand, two persons, proved to be so infamous, that the Secret Committee of the Assembly recommended an address to the Governor to send them off the Island; their perjury became manifest from the testimony of those who swore to their giving five different accounts on five different occasions, and they were committed to close confinement in gaol! Yet upon the evidence of these wretches, three slaves were put to death, and eleven transported for life! If any one will take the trouble of reading the trial of Leon and George (*Papers*, p. 92), he will see those two men convicted upon the deposition of Corberand, who admits himself to be guilty of all he imputes to the prisoners, and yet he is not confirmed in one single circumstance, even by his fellow-witness Mack, who has nothing to say that in the least affects the prisoners. Sentence of death, however, is passed upon them both,—and we lament to say that the Governor suffers it to be executed upon one of them. The only actual violence which appears to have been committed by any of the negroes, was that which was done at Hanover, where the slaves having some ground of discontent, from the injudicious, and it should seem illegal conduct pursued towards them, and being threatened with military execution, refused to work, and committed some very culpable excesses; in killing cattle, &c. There is no reason, however, for believing that they had any design of rebellion, much less any concert among themselves with that object in view. The number of slaves executed under sentences of the courts in all those cases, amounted to no less than twenty-three; a waste of human life too shocking to be dwelt upon, even if the sufferers had all been guilty, but beyond description appalling, when we reflect, that in the greater number of cases the unhappy victims were altogether innocent.

On the 15th May 1823, the House of Commons was moved to adopt legislative measures for improving the condition of the slaves, and finally restoring them to freedom; but the ministers met the proposition by moving resolutions which were adopted unanimously. They were as follows:

‘ That it is expedient to adopt *effectual and decisive* measures for meliorating the condition of the Slave Population in his Majesty’s colonies:

‘ That, through a determined and persevering, but at the same time judicious and temperate enforcement of such measures, this House looks forward to a progressive improvement in the character of the Slave Population, such as may prepare them for a participation

in those civil rights and privileges which are enjoyed by other classes of his Majesty's subjects.

‘ That this House is anxious for the accomplishment of this purpose at the earliest period that shall be compatible with the well-being of the slaves themselves, with the safety of the colonies, and with a fair and equitable consideration of the interests of private property.’

In furtherance of the objects contemplated by these resolutions, a Circular Letter was addressed by his Majesty's Government to all the Governors of slave colonies having Legislatures, stating the measures recommended for adoption, and strongly urging an immediate compliance with what had ‘received the sanction of Parliament, and the general approbation of the country.’ An Order in Council was framed for Trinidad, one of the colonies under the legislative power of the crown, and transmitted thither for enforcement, and copies of this order were afterwards sent to all the old colonies. After vehement remonstrance on the part of the planters, it was promulgated in Trinidad in May 1824; and a similar order was promulgated in Demerara in January last. The provisions of these orders are extremely important, and, if carried into full effect throughout the colonies, they would materially better the condition of the slave, and prepare him for enjoying his freedom. We shall state the substance of the Trinidad order; the Demerara order omits some parts, and unfortunately one of the most essential, the provision respecting manumission.

A *Protector* of slaves is to be appointed, to whom notice must be given of all suits or prosecutions against slaves, that he may attend the trial of these, as well as of all proceedings against persons who have injured any slaves; and act in the way most conducive to the slaves' interest. The protector is not allowed to hold any property in plantations or in plantation slaves. Sunday markets are prohibited; and slaves are not to be worked from sunset on Saturday to sunrise on Monday. Neither the whip nor any such instrument is to be used for compelling the slaves to work, nor is it to be carried by the drivers in the field, as a badge of authority. Flogging is only to be used by way of punishment for offences, and not as a stimulus to labour; as a punishment, it is restricted to twenty-five lashes, and these never to be inflicted where there are upon the body former lacerations, or within less than twenty-four hours after the offence, or when some free person is not present; and females are not to be flogged at all. A record is to be kept on each estate of all punishments, and a transcript given every three months to the commandant of the district. The marriage

of slaves is to be authorized by the Protector, unless the owner show good cause to the contrary; and no separation of husband and wife, or parent and child under sixteen, shall be made in sales, under any execution or other process of law. Slaves are declared able to hold property in lands, money, cattle, implements, furniture, or other effects 'of such or the like nature,' and to alienate or dispose of the same. All fees on manumission are prohibited; slaves are allowed to purchase their freedom; and if the owner and slave cannot agree, or if the sale is prevented by mortgage, settlement, lease, or infancy, coverture, or lunacy, or absence of the owner, the Chief-Justice is to hear the Protector, and the parties interested in the property of the slave, or having the care of him; and the price is to be fixed by two appraisers chosen by the protector and those parties, and an umpire named by the Chief-Justice. Lastly, the evidence of slaves is made admissible on the same footing with that of free persons, except in civil suits where their owners are directly concerned, and in prosecutions of White persons for capital crimes. The slaves must have certificates of understanding the nature of an oath, from the clergyman.

The principal defects in this system of regulation, are these. The right of property ought to be extended to plantation produce, as its exclusion must frequently operate to prevent the slave from acquiring enough to purchase his freedom. The protector should not be allowed to hold domestic any more than predial slaves; as the possession of the former, in some respects even more than the possession of the latter, tends to harden the feelings, and excite irritation against that unhappy class of society. The separation of husband and wife, and parent and child, should be prohibited in *all* sales, as well as sales under legal process. A day, or portion of a day, should be given to the slaves to cultivate their grounds, in order that Sunday may be made really a day of rest, and not merely of rest from compulsory labour. There should be no exception of capital charges against Whites, in the admissibility of slave evidence; and perhaps requiring certificates from clergymen as to the religious progress of the witnesses, is not either a necessary or fair restriction; the court might examine into his capacity shortly, as in the case of a free witness, and ought to admit whenever the witness states his belief in a God and future state of rewards and punishments. If a certificate is to be required, the order most properly enables all teachers and preachers, as well as those of the Establishment, to give it.

The principal merits of the regulations are these; the admission of slave evidence; the right to purchase freedom without

the master's consent; the prohibition of female punishments by whipping; and, above all, the abolition of driving, by forbidding the whip, as an emblem of authority or stimulus to labour. It is extremely important to observe, that the provisions contained in this most salutary order were, with the exception of the one respecting evidence, 'recommended to his Majesty's Government by the whole body of the West Indian planters and merchants in London, as fit concessions on the part of the slave proprietors.' So says the Governor of Trinidad, in reply to the remonstrance of the Colonists, strongly urging a suspension of the Order. Their opinion of the measure, and their apprehensions of its dangerous consequences, may be gathered from such passages as this. 'It is avowedly a measure by which the assumptions of *theory* are to be subjected to the test of experiment, to be falsified or confirmed; by which the *philosophic* legislator is to ascertain whether a slave can be raised from the lowest grade to a more elevated rank in society, and yet remain a slave, productive as property and subservient to the will of his master; whether a partial infusion of the best principles, extracted from a society of the highest order and refinement into a system radically vicious and bad, yet hitherto simple in its deformity, will, by the admixture, neutralize and improve the latter, or *the whole explode by repulsion.*'

Indeed it cannot be denied, that the application of this code to Trinidad is liable to all the objections which may be urged against its compulsory adoption in any one slave colony. The population consists of 40,000, of whom 22,000 are slaves, and the residue are a mixture of various nations and colours, considerably more heterogeneous than the free people in any of our other settlements. We naturally turn, therefore, with some anxiety to ascertain the result of 'the experiment;' and to see whether the dreaded 'explosion' has taken place, from the attempt to amend 'a system radically vicious and bad;' to impair a little that quality, so greatly prized at the mouths of the Orinoco, of 'simple' and perfect 'deformity.' The documents, happily, give us the most satisfactory proofs that all is safe and easy in the application of the new system. The Returns extend over a period of six months, from June to December 1824; and during that time nothing like insubordination has any where occurred. But this is not all; above fourteen months more have elapsed since these returns close, and we have advices from Trinidad down to the end of last year. If any thing had gone amiss, no doubt we should have heard of it full soon, and seen it blazoned in colours very little subdued;

Yet nothing is said. We are therefore entitled to affirm, most confidently, that the new code, being suddenly introduced against the will of the White people, by the mere authority of the Crown, has been in force for a year and a half, without producing one of the mischiefs so loudly predicted. The slaves have *not* misunderstood their rights; they have *not* appealed from their Masters in the colony to their advocates in the mother country; they have *not* attempted to take all from those who gave them somewhat; labour has *not* been suspended; new punishments have *not* been wanted, either to produce the work required, or to supply the place of the stimulus withdrawn and the whipping prohibited. On the contrary, the details furnished by the the papers are even more satisfactory than could have been expected by the most sanguine friends of the measure. There is a return of all Crown prosecutions during the first six months of its operation; and they amount only to eleven. Of these, two alone have any connexion with insubordination; and in both, the overseers or managers were to blame,—having given rise to the turbulent conduct of the slaves in one case, by taking from them the day formerly allotted to them for their provision-ground; in the other, by getting drunk with the slaves. The quarterly returns of punishments are very instructive; 446 planters return, that no punishment above three lashes has been inflicted on any of their slaves for three months; the number of their negroes being 5915. On 189 estates, there have been 1230 punishments; but the greater number of the offences appear to be very slight; and these punishments include every infliction above three lashes. It seems ‘the dislike, and often the inability to keep the Record Book’ required by the regulations, has been supposed to prevent some managers from punishing slaves when they deserved chastisement; but the Governor states, that the fear of having their offences recorded has also served to restrain the slaves.

It is manifest, then, that the experience which proves these regulations to have been safe and beneficial in Trinidad, as decisively recommends their adoption in every other colony. It is equally clear, that whether their adoption is prescribed by the Crown or the Legislature, the effects produced must be the same. In Trinidad, the Crown has the power; in Jamaica, Parliament alone can prescribe the change; but whether the measure be imposed upon the colony by an Order in Council, or an Act of Parliament, its safety and its efficacy must be the same. The only arguments that have ever been urged against Parliamentary interposition, may be reduced to three—those which deny *the right*—those which dispute *the expediency*—

and those which question *the necessity* of interfering. We shall shortly examine these three objections in their order.

I. They who deny the right of the mother country to legislate for the colonies, proceed upon a most inaccurate recollection of the law and of the colonial history of this country. They refer to the unhappy and disgraceful time of the American war, when the honour and interest of England were sacrificed to the violent bigotry of the Tory party; and they ask, whether a question so triumphantly decided in favour of colonial independence, not merely by events, but by the general opinion of the world, is now to be revived, and a new war waged with colonial rights? Nothing, however, can be more ignorant and superficial than this view of the subject. The dispute with North America was confined to the question of Taxation; and the right of Parliament to legislate internally for the colonies *was never denied*, until their entire independence was claimed, and things had come to the last extremity. The friends of American rights in England never claimed more for the colonies than the exemption from taxes imposed by the mother country; they regarded the claim of Parliament to tax the colonies as principally to be discountenanced, because of its tendency to put in jeopardy the general legislative power; and when the right of taxation was given up, they joined in passing the act which is confined to that taxation alone. Indeed the manner in which taxation is given up, shows how little disposition there has ever been to abandon legislative supremacy in any of its branches. The Declaratory Act of 1766 (6. *Geo. III.* c. 12) had asserted that supremacy absolutely, and in all its branches; affirming that Parliament ‘had, hath, and of right ought to have, full power and authority to make laws and statutes of sufficient force and validity to bind the colonies and people of America, subjects of the Crown of Great Britain, in all cases whatsoever.’ Being nearly defeated in the American war in the year 1778, it was deemed expedient to give up one portion of the right; and it is done in these words: ‘That after the passing of this Act, the Parliament *will not* impose *any duty, tax, or assessment whatever*, payable in any of his Majesty’s colonies, provinces, and plantations in North America or the West Indies, excepting only such duties as it may be expedient to enforce for the regulation of commerce,’ (18 *Geo. III.* c. 12.); and it is remarkable that the preamble of the Act specifies taxation to be the only subject in dispute. The best authorities on constitutional law accordingly took a broad distinction between taxation and legislation. ‘Taxa-

‘tion,’ said Lord Chatham, ‘is no part of the governing or legislative power. Taxes are a voluntary gift or grant of the Commons alone. In legislation the Three Estates of the realm are alike concerned; but the concurrence of the Peers and the Crown to a tax is only necessary to clothe it in the form of a law; the gift and grant is of the Commons alone.’ The general right of legislation, then, stands exactly as it did before the American war.

But perhaps the best proof of its existence is the distinction taken by those who dispute it, between internal legislation generally, which they deny, and commercial regulation, which they are forced to admit.—Parliament, they allow, may make laws to model as it chooses all the mercantile concerns of the colonies; to prohibit export and import; to punish smuggling by all manner of penalties; to restrain the intercourse of colony with colony, and of all colonies with foreign states; nay, Acts of Parliament may be passed to make transactions formerly lawful, punishable as felonies, though done within the bounds of the colonies; but as all these things bear some relation to commerce, they are supposed not to come within the description of internal legislation. It is manifest, however, that there is no rational or solid ground for such a distinction; and that it rests wholly upon the greater necessity which there is for such matters being regulated by the superintending power of the mother country. Some of those laws could not be carried into effect by the local legislatures; but many of them could, and many of the most important. The slave trade could have been effectually abolished by the islands themselves, if they had chosen; yet Parliament first abolished it, and then made it felony, and lastly piracy, without waiting for the effects of Colonial legislation. It is plain that, in point of principle, there can be no difference between making such laws as these, and making laws to regulate the treatment of slaves in the Colonies;—and that it is altogether impossible to deny the latter power to the body which you admit is clothed with the former.

There is, however, one broad principle never to be lost sight of in discussing the rights of the Colonial Assemblies,—and that is, the wide difference between their constitution and that of our own Parliament and the Assemblies of the North American Colonies before the separation. They who speak of ‘representative bodies,’ and ‘constitutions upon the model of the English,’ and who deprecate the invasion of ‘popular rights,’ and recommend a tender regard for ‘constitutional privileges,’ really are guilty of unpardonable thoughtlessness;

they commit the grossest abuse of language, and call things by names which do not in the least degree belong to them. We regard it as unconstitutional in England, that men should be governed by laws passed in assemblies, where they are not represented; and we consider Parliament as authorized to make laws, because it represents, more or less accurately, the people of the realm. But suppose the people divided into two classes, one about a tenth part of the other in point of numbers, and suppose this class alone to be represented, and the great body of the community not to have one single vote in the election;—suppose *all* chosen as the rotten boroughs of England, and the boroughs and counties of Scotland choose their members;—surely our sense of the uses of *such* a Parliament would be greatly altered, and we should hardly feel disposed to regard its existence as essential to the interests of the people at large. This, however, conveys but a feeble idea of the West Indian Parliament. Suppose the body excluded from all share in elections to be, although ten times more numerous, yet of a race wholly different from the small privileged order, and alienated by habits and feelings, as well as distinguished by nature;—suppose them to be the objects of suspicion, jealousy and dislike, and regarded as a kind of natural enemy;—to put the matter very intelligibly, suppose England over-run by a handful of Frenchmen, who had settled among us, and had usurped the exclusive power of governing us, and that the Parliament should be composed of Frenchmen, and chosen by Frenchmen alone, while the whole body of the English people had neither a representative nor a vote, from the Tamar to the Tweed;—could any one call this a free Government, or a constitutional plan; or, without the most gross perversion of language, describe this as a Parliamentary scheme of polity? And yet something must still be added, to make the case exactly tally with that of the West Indies. The bulk of the community must be supposed uncivilized, and of a different complexion from their privileged oppressors, and holding no more intercourse with them, than if they were a part of the animal creation. With what propriety could it be said, that a Parliament, so constituted, would be calculated to represent, or legislate for a community so composed? Would it not be a very mockery to tell such a community, that it was represented, and that its affairs were administered by itself? Would not the community gain incalculably, by having its affairs taken into the hands of some other body, belonging neither to the predominant nor to the subservient class, but standing even between both? Would it not be at once admitted, that the arguments against legislation with-

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out representation have failed entirely, inasmuch as non-representation is far less calamitous than misrepresentation? The answer, then, to every objection against the Parliament legislating for the colonies is short and plain; as long as the great body of the people there remain slaves, upon all constitutional grounds local legislation can only be regarded in the light of oppression, and only tolerated in cases where it is absolutely necessary for the performance of local duties. We believe, however, that the question of right will by all be admitted to be less important, than the question of expediency or discretion; and they who hold the claim of right highest, must admit, that it is a right only to be exercised in peculiar cases, and then to be exercised with due circumspection: And this brings us to the argument of those, who, admitting the right, maintain that it is unsafe and impolitic to enforce it.

II. When safety or policy is spoken of, it is quite clear that no reference can be intended to the danger of the West India Islands throwing off their allegiance, and establishing independent governments; and, almost equally clear, that no risk is intended to be suggested of their placing themselves under the protection of France or America. The danger apprehended is of exciting animosities injurious to the internal pence of the colonies, and likely to retard the work of improvement, or perhaps to hazard the subordination of the slaves. But it is manifest that such an appeal can never be suffered from the colonists themselves; for they can, by yielding a ready obedience to the lawful authority of the parent state, at once destroy the force of the argument. Then we have the example of Trinidad, where the promulgation of the Order in Council was vehemently opposed, and excited the greatest discontent; and yet no mischievous consequences have followed, either to the tranquillity of the white, or of the negro population. It is absolutely necessary to look in the face the topic so constantly brought forward of negro insurrection. To hear the planters and their advocates in England, you would believe that the poor slaves form a mass prone to seditious movements, and that the slightest breath must produce an explosion. Every debate in Parliament, every proceeding in the country is likely, we are told, to create rebellion among them. Yet they who use such topics here, allow in the West Indies the free publication of their own most intemperate debates, at meetings holden within sight and hearing of the slaves; they speak with a freedom more than touching upon licentiousness, of all questions relating to West Indian affairs, before their slaves; and they cohabit with negresses, who are made acquainted with all

they think, and hope, and fear on the subject of slavery. It is ridiculous to suppose that the freest discussions in Parliament can be dangerous, while all these doings in the colonies are found to be safe. But if it be said that, by showing a disposition to interfere for the slave's protection, Parliament teaches him to look beyond his master, and thus weakens the tie of domestic authority, the answer is obvious. The negro understands, at least, as well the protection of the Crown in the conquered colonies, as he can that of Parliament in the old settlements. Indeed, the idea is far more easily conceived by him of the King being his friend, than the Parliament, an abstraction not very well suited to his comprehension. Therefore, we may observe, on the one hand, that this argument, if good for any thing, would apply still more strongly to exclude all interposition of the Crown in Trinidad, than to dissuade Parliament from legislating for Jamaica; and, on the other, that the entire failure of all predictions of danger in Trinidad proves how chimerical such apprehensions are in the old colonies. Every thing that can be urged to show the dangers of loosening domestic authority by legislative interference, may still more forcibly be urged against extending the Trinidad order to the six other conquered settlements. Yet the government avers that, at length, though somewhat tardily, it must be allowed, they are resolved to make that order general through those dependencies of the Crown. Can there be any reason then for Parliament refusing its cooperation, to establish it in the old colonies?

A similar argument may be urged to meet the far more plausible objection, arising from want of local information. There is no doubt that, generally speaking, the colonial assemblies possess considerable advantage in framing regulations for the management of the slaves and the improvement of their condition, over the Legislature at home. We might admit that there are many inconveniences unavoidably attending such an exercise of distant control and superintendence, unless where the questions to be dealt with are few and simple. But that the difficulties are not insuperable, we may safely assert, and may again appeal to the experience of Trinidad; about to be repeated in the other settlements which have no assemblies. If indeed we could have the cordial cooperation of the Legislature in the old Islands, and could then not only profit by their superior local information in passing the law, but obtain their willing aid in executing its provisions, unquestionably the work of reform would be far more prosperously conducted. But supposing we are *driven* to interfere by the supreme authori-

ty of Parliament, enough appears to warrant the conclusion that its wisdom may as easily frame a law applicable to the circumstances of the old colonies, and its power carry it into effect, as the wisdom of the executive government can frame Orders in Council, and its power enforce them in the conquered settlements. The West Indians have no right to contend that they are better qualified to amend their slave system on the spot than we are in the mother country. They may have better capacity? but what if the will be wanting? what avails it to tell us how well they could do it if they would? All are ready to admit, that Parliament, how undeniable soever its right may be, ought only to exert it, when no other means are left of executing justice, and fulfilling the lawful and righteous policy of the empire. This brings us to the most important part of the argument, the *necessity* of interference.

III. The proof of this rests upon the whole conduct of the Colonial Legislatures. In the course of this article many illustrations have occurred, from their own proceedings, of the prevailing determination to do nothing until they are compelled by superior authority. The length of time that has elapsed since the state of colonial slavery first occupied the care of the mother country, and became the subject of Parliamentary discussion, not casually, but regularly and habitually, is of itself a powerful reason to prove the hopelessness of looking to that quarter for reform. It is more than forty years since Thomas Clarkson roused the people of England to put down the slave trade. It is not much less since Mr Wilberforce fixed upon that horrible crime the jealous eye of Parliament. For half that long period the West Indians ceased not to tell us that their assemblies alone could grapple with the question, and that as they only could effect the abolition, so in good time they were sure to do it; and yet, for half of that long period those assemblies did nothing but remonstrate against the abolition, which the interposition of Parliament at last and alone accomplished! The residue of the period has been passed in almost entire inaction by the same body. Always pretending that to them belongs the regulation of their internal concerns, and that their good will towards reforming the Slave Laws can only be exceeded by their qualifications for the task, they have suffered twenty years to elapse since the abolition of the trade rendered the duty of saving and cherishing the stock more imperative upon them than ever, whether they regarded the interest of slave or of master—and they have really done hardly any thing that deserves the name of improvement;

what little they have attempted, having been mixed, in the majority of instances, with so much of evil, that upon the balance, there has been nothing like any advantage gained. A few particulars may be stated in illustration of this position; and in further proof, how vain it is to expect that the slave owners will ever reform the slave system.

It may be recollected, that till the year 1805, the wilful murder of a slave in Barbadoes, our oldest and most polished colony, and the one where by far the greatest proportion of Whites reside, was only punishable by a fine of 14*l.* 10*s.* With great difficulty a law was carried, making it capital; but in what terms? Whoever shall ‘wilfully, maliciously, wantonly, and * *without provocation*, kill and murder a slave,’ shall suffer death! So that if there be any thing to provoke the blow, (and who shall say how little may serve for such provocation)? the capital penalty is escaped. ‘Beyond this,’ says Mr Dwarris, the Commissioner, ‘there is no legislative provision restraining the absolute power of the master over the slave, or inflicting punishment upon the owner, or others, in case of maiming, mutilation, dismemberment, or cruel treatment. No other act of assembly has been framed for the protection of slaves; no tribunal is specially appointed for inquiry into their wrongs. A slave who is, or thinks himself aggrieved, looks in vain in this place for a proper quarter in which to prefer his complaint; it can NO WHERE * be received. The commissioners inquired anxiously, “Is no injury to slaves by their masters punishable, except murder?” Answer. “Short of murder, the power of the master is absolute.” “Can a slave apply to a Magistrate, in case of serious injury from a White, for redress or protection?” Answer. “Slaves *should* * be able to apply to a Magistrate when ill treated; but it is not so.” (*First Report*, pp. 62–3.) This Report is dated 16th May 1825. The Barbadoes part was prepared in 1823; and relates to a population of eighty thousand human beings. It is probably, since the date of this inquiry, that the legislature of Barbadoes passed the New Meliorating Act, which, after two years discussion, they have given as a sort of *ultimatum*, and one so satisfactorily to themselves, that they say it must ‘endear their remembrance to posterity.’ (*Additional Papers*, 1825, p. 29.) Yet this act has been disallowed by his Majesty’s Government, on account of the reprehensible provisions with which it so largely abounds. A few examples may suffice at once to justify the rejection, and to moderate our expectations of colonial reforms. By section 43, if any one kills a slave, in the attempt to maim or *injure* any white person, he shall suffer *no* punishment, nor

* Sic in orig.

be proceeded against in any way; and by section 44, any wanton act of cruelty—‘*wantonly, maliciously, and cruelly* whipping, beating or *bruising* any slave,’—is punishable with fine not exceeding 25*l.* currency—any ‘mutilating, maiming, or dismembering a slave,’ is punishable with fine and imprisonment, but no *minimum* is fixed; so that it may be a shilling fine, and four-and-twenty hours imprisonment. Not exactly such are the punishments denounced against the offences of slaves. By section 47, any slave who shall hear any other slave speak any words *tending* to mutiny, and not disclose them, shall suffer *death*; but by section 48, if he gives information leading to conviction for insurrection, he is rewarded with his freedom and a pension! By section 32, ‘*Offering to strike*’ a White, is punishable with *death*; and by section 27, ‘insolent language or gestures to or of a White, swearing, riding faster than a walk, driving faster than a trot, and many other similar acts, are punishable with whipping, not exceeding 39 lashes. This act was passed in March 1825.

Jamaica has done literally *nothing* in compliance with the urgent representations of the Government ever since July 1823. The bill to make slave evidence admissible in certain cases, was thrown out in the Session 1824, there being no one to support it but the mover. It was again introduced during the late Session, and thrown out by a majority of two to one—some who supported it intimating that it would be the extent of their concessions to the mother country. The slave population of this Island is 340,000. In the colonies comprehended under the Leeward Island government, and containing above 60,000 slaves, no measures have been adopted in consequence of the recommendations of Government and the resolutions of the House of Commons. The Bahama legislature has passed a consolidation act, in which such provisions are introduced as have prevented its being allowed by the King in Council, although one or two improvements are made; the sanctioning of slave marriages under certain restrictions, and the preventing families being separated by sales and bequests. Among the objectionable clauses there is one of a description so grossly unjust, as almost to defy belief. If a slave is sentenced to death or transportation, he is to be appraised by section 69; but ‘if it shall appear that this owner had treated him or her with inhumanity, and that *necessity* or hard usage might have *driven* such slave to the commission of the offence,’ then the owner shall receive no compensation—but the slave is still to be punished! (*Papers*, 1825, p. 37.) This act too, while it repeals other acts, excepts a clause in one of them and thus keeps it alive. That

clause makes it a *capital offence* in any Negro, Mulatto, or Indian to assault a White with any dangerous weapon—and a misdemeanour punishable with fine or whipping, if any person of colour be ‘otherwise abusive to any white person.’ Lord Bathurst pointed out this circumstance to their attention, and expressed his confident expectation, that as soon as the omission was observed, it would be supplied by including this clause in the repeal. But the Assembly remonstrated warmly against such an interference; asserted that the best protection for the negro was the voluntary kindness of his master; and refused to make any change in the law, ‘from a strong sense of the great ‘impolicy and absolute danger of making any further innovations at present in the slave system of the colony, and a decided conviction of the correctness of the principles on which ‘they are now acting.’ In Bermuda, nothing whatever has been done; and in Grenada, a bill was brought in, after many delays, passed the Assembly, and was before the Council in March 1825—since which, the Parliamentary Papers contain no account of its progress! In Dominica, there were some improvements made upon the condition of the slaves about eight years ago. Their evidence was admitted, under many restrictions; but the accused was allowed to clear himself by his oath. The Governor writes, 28th March 1825, that ‘he is still unable to report any meliorating act passed ‘by the Legislature of the Island, though he has repeatedly and strongly urged the subject both by publick message and other means.’ He adds, that he ‘plainly perceives, ‘even among the best disposed of the proprietors, an apprehension that, by going to the full extent that has been recommended, they may relinquish what they consider to be necessary authority over the slaves.’ In Tobago and St Vincents, the propositions of Government were rejected in very peremptory terms. The Governor of Tobago, in October 1824, gives it as his decided opinion that nothing more will be done; and the Assembly, in rejecting the Trinidad Order in Council, declare, that they have already ‘gone as far as prudence and propriety can justify, and that to adopt all the measures recommended by his Majesty’s Government, would be equally destructive of the interests of the master and the happiness of ‘the slave!’ The Assembly of St Vincents, in answer to the recommendation of Government, advise it to keep in view the maxim of Lord Bacon, that men, in their innovations, should follow the example of time, which innovateth greatly, but quietly, and by degrees!

In the late proceedings upon the postponement of Mr

Brougham's motion in the House of Commons, it was stated, that some steps had been taken by the Local Legislatures since the dates of the Papers: And apparently since notice was given last Session, of the subject being to be taken up in Parliament, and since the country was seen to have resolved upon being trifled with no longer, a Bill is said to have passed the Assembly of Grenada, and another that of St Vincent's, making certain beneficial changes—it is also said that Tobago has done something. It was distinctly admitted, however, that all the greater colonies, and indeed all the thirteen having Legislatures, with the exception of these two or perhaps three, had turned a deaf ear to the urgent and often repeated representations of the Government, backed by the unanimous resolutions of the House of Commons, and the known sense of the country at large. Notwithstanding this undeniable fact, and after all the experience which we have had, it appears that his Majesty's Government are resolved, if Parliament and the country permit them, to give the West Indians once more the power of adopting or rejecting the proposed measures of reform, and to put off for another year *the only* proceeding which can effect the object which almost all have, and all pretend to have, in view.

To us it appears manifest, that supposing the West Indian Legislatures far more desirous of complying with the desire of the mother country than their conduct in any one instance warrants, the interposition of Parliament is necessary for their support. Placed as they are in the centre of a population incurable in their aversion towards the proposed reforms, those Assemblies are wholly unable to combat the force of the prejudices and passions which surround and assail them on every side. The countenance of the mother country, and her constituted authorities, is not enough; they must have the interposition of direct Influence—of overruling Power, to strengthen their hands, or rather to do that good work for them, which they are either unwilling or unable themselves to accomplish. If they are still unwilling, nothing but Parliamentary authority can effect the object; if they are well disposed, but unable, from the prevalence of local influence, they will be the first to rejoice that those have entered upon the task, whose power to perform it is as indisputable as their right to undertake it. *

* The reason for postponing the question till after the Holidays was, that fuller information might be obtained of what had been recently done in the West Indies.

ART. IX. *Considerations on the Expediency of the Law of Entail in Scotland.* By PATRICK IRVINE Esq. Writer to the Signet. Edinburgh, 1826.

THIS is a very short, and a very sensible book, upon a subject of the utmost importance to Scotland.

There is probably no country in Europe in which the property of the soil is so absurdly regulated as, under our system of entails, one half of the land of Scotland actually is at this moment, and as the whole of it is in eminent danger of being soon. Some efforts have been made at different times to improve its condition; but these have always failed, or have aggravated the evils they were intended to cure; partly from the question never having been properly taken up by the country at large, and partly from the misinformation or misconduct of the individuals who have endeavoured to remedy mischiefs which nobody ventured to defend. If any thing can excite the attention of the public, or of our landed owners to this subject, we should think it would be a plain statement of the actual circumstances of the case, joined to the consideration that the latter cannot remedy the evils under which the country suffers, without, at the same time, directly improving their own personal interests. Mr Irvine has collected the leading facts with such care, and has expounded their consequences with such judgment, that, for practical instruction on this subject, nothing is necessary, except to read his work; of which the only defect is the rare and meritorious one, that he is too diffident in hazarding his own opinions.

The origin of Entails,—by which we mean the recognition of a power in any owner of real property, to subject that property *for ever* to any conditions he pleases,—has been much discussed by lawyers and antiquarians. In particular, it has been keenly contested, whether such a power arises solely from the authority of the State where it is permitted to be exercised, or is warranted by any of the original feelings or notions which are connected with our idea of property. However this may be settled as a general problem, it is tolerably clear, that the modern system of entailing in Scotland owes its authority at least, if not its origin, solely to an Act passed by the Scottish Parliament in the year 1685. Attempts had, no doubt, been made before this, not only to prescribe the order in which all future heirs should succeed, but to protect this anticipation of futurity, by devices which might secure the property both from the will, and from

the misfortune, of each individual who might successively become the holder of it. There was only one case, * however, prior to the Statute, in which the efficacy of these devices was made the subject of judicial determination, and though they were found to be effectual on that occasion, this decision, instead of allaying doubts, seems to have only excited additional alarm; and the probability is, that if the matter had been left to work its own way in the courts of law, the system that at present exists might have been softened or avoided. But, unfortunately, the political condition of the country put people under a temptation to fly to the most extravagant system of entailing, in order to rescue their property on any terms.

The tyranny of the Steuarts was at this time at its height; and ‘ amidst the new treasons’ (says Laing†) ‘ which the Parliament created, and the numerous attainders which it pronounced, an act of an opposite tendency was passed to authorize *the perpetual entail* of lands. That the Scots should have remained so long ignorant, or have availed themselves at such a late period, of a feudal institution, which other nations were desirous to explode, are circumstances sufficient to excite our attention and surprise. The statute of entails was evaded in England before the Scots had begun to study or to improve their laws; and the early sovereigns of the Stewart family would never have consented to a device adapted to perpetuate a feudal aristocracy, which it was the uniform policy of their house to depress. But the nobility were now no longer the objects of jealousy or fear. The Estates were required to confirm the sentences of Jerviswood, Argyle, and Porterfield; to ratify the opinions of the Court of Session, that it was treason not to reveal the demand of contributions for traitors, nor to abjure the treasonable declarations of the fanatics; to approve the practice of the Justiciary Court, in proceeding to trial and conviction the day after the citation was given; and the nobility were secretly alarmed at the retrospective treasons which they were employed to create. From these they perceived that the declaration of new laws and of new crimes was lodged entirely in the breast of the judge; and, from the numerous attainders which they were required to pronounce, they felt with terror that their lives were exposed to the mercy, and their estates to the rapacity, of the servants of the Crown. To preserve their estates from forfeiture, and their families from ruin, it would appear that they sought an

* Stormont, 26. Feb. 1662.

† History of Scotland, Vol. 4. B. 9, p. 106.

‘ indirect expedient to elude the iniquitous laws and corrupt practices which they were too dependent to reject or to resist. Entails had already been introduced in a few instances; but were reprobated as repugnant to the genius of the laws. Corruption of blood, which obstructs the course of succession, was a penalty never incurred as the consequence of attainder, unless it were inflicted by an act of *dishabilitation*; and the Estates, relying secretly on the maxim, that nothing more could be forfeited than the person attainted was entitled to alienate, passed an act by which lands might be entailed *to perpetuity*, and the rights of an endless series of heirs be reduced to almost an usufructuary interest during their lives. Under the pretext of securing these estates from alienation or debts, the nobility undoubtedly expected to preserve their families, in the event of an attainder, from the forfeiture of more than the life interest or escheat of an heir. The Commissioner consented to the act, to perpetuate his own acquisitions to his family; and from the tyranny of James, entails were introduced into Scotland, when the rigour of the feudal system had almost expired.’

Those who live now can scarcely judge of the influence of these considerations. It may help them, however, in the estimation of their force, if we remind them that in those days the estates of the accused were frequently given away by the Crown before trial, and that these gifts were effectual although the victim might be pardoned;—that trials, and, of course, convictions, for pretended treason, were competent after the death, or in the absence, of the alleged traitor;—and that such, in fact, was the lavish use of these prerogatives, that the forfeitures of no fewer than 403 of the most considerable persons in the kingdom, were declared to be illegal by one single statute passed soon after the Revolution.

It was under these impressions that the Act of 1685 was passed; and it was lately stated from the Bench, apparently with the acquiescence of all the learned persons who sat there, that it had been ‘ the unanimous opinion of the Court that the case of Stormont was wrong decided, and that entails had not a foot to stand upon but the statute 1685. They are the mere creatures of that statute.’ * Lord Chancellor Eldon has confirmed this statement by saying that ‘ there had been tailzies before this, though the clauses intended to protect them had been found ineffectual for that purpose.’ †

* Hamilton against M'Dowall, Mar. 3, 1815.

† Dow's Reports, Vol. 2. p. 208.

Now the practical import of this memorable and most mischievous statute may be very shortly explained. 1. It enables any fee-simple proprietor to specify, or to describe by legal marks, the series of heirs who are to succeed to his property throughout all future ages. Having thus devoted to posterity the objects of his posthumous benevolence, or the form in which he chooses his own vanity to be gratified, it next enables him to rescue the land itself from the ordinary casualties of mortal possessions. For, 2. It empowers him to prevent every heir from selling, or giving, or otherwise conveying away, any fragment of the soil, or of its adjuncts. 3. Though he cannot prevent his successors from getting into debt, he is armed with an absolute power to prevent any of their debts from ever affecting the estate; and, 4. In order to close up every hole, it entitles him to insert into his entail a general prohibition of '*any other act or deed*' by which any part of his arrangement may be violated. 5. The statute introduces a certain machinery, by which the infringement of any of the conditions thus attached to the descent of the estate necessarily defeats itself, by destroying the right of the person guilty of the infringement, and perhaps of all the descendants of his branch, and introducing a more faithful substitute, or class of substitutes, in his place. No precise limits have yet been set to the objects to which this prospective tyranny may be extended; but the general feeling seems to be, that *any* condition may be prescribed, and enforced by the penalty of forfeiture, which has for its end what is called the preservation of the dignity of the family, that is, the preservation of the will of the entailer. He can, and generally does, order all his descendants to bear his own name and arms, and often, in the supremacy of his folly, he forces them to abjure all the other names and all the other arms in the world. Nay, he sometimes stretches his omnipotence so far beyond the period of his own resolution into dust, as to prescribe the houses which his descendants a thousand years after him are to live in, and the very liveries that their menials are to wear.

Almost all the legal and political philosophers who lived soon after the date of this statute, and who contemplated it apart from the temporary causes that had produced it, were loud in its condemnation; and they all anticipated that the day would come in which '*the artifice of entails*' would require to be put down, as it had been put up, by Parliament. Time has justified those opinions, to an extent which their authors, in all the boldness of their prophetic spirit, never expected. In order to be completely effectual, entails must be recorded in a public register. This enables us to compute their number with suf-

ficient accuracy for our present purpose. A hundred more or fewer is immaterial.

Now it appears, that previously to the year 1685, only 24 entails had been executed in all Scotland. There can be no better evidence how little people relied upon their validity at common law. But immediatly after the Statute passed, the mania began; and the result has been, that no fewer than 1591 entails have since been fastened on the country. Their gradual progress may be exhibited by dividing the time which has elapsed since 1685 into periods of 20 years, and stating the number of deeds which have been recorded during these respective periods.

From 1685 to 1705,	-	79 entails,
From 1705 to 1725,	-	125 entails.
From 1725 to 1745,	-	158 entails.
From 1745 to 1765,	-	138 entails.
From 1765 to 1785,	-	272 entails.
From 1785 to 1805,	-	360 entails.
From 1805 to 1825,	-	459 entails.

1591

It might have been supposed that the number of entails must always have diminished as the practice of entailing went on; because the less free property that was left, there should apparently be the greater desire, and the greater interest, to preserve what remained in that condition. But the fact has been very different. With the exception of the period from 1745 to 1765, when entails were slightly checked, the tendency seems to have been *uniformly and rapidly upon the increase*: and the strongest possible evidence of this arises out of the proceedings of the last few years. It is stated above, that 459 entails were recorded between the years 1805 and 1825. But of these no fewer than 342 have been put upon record since the year 1811.

The chief ground on which the right of the creature of a day to impose fetters against society, and on the principal property of the State, for ever, has been defended, is, that it tends to preserve Great Families. But the delusion on which this passion for perpetuating the will of the individual over posterity rests, is as natural, and perhaps more so, in the mind of a poor man as of a rich. Accordingly, it appears that there has been a regular entail executed and put upon a record of a paltry lodging in Edinburgh;—that a small field in the county of Lanark has been honoured in the same way;—and that a house in the village of Forfar has been made the subject of this perpetual settlement. There are few people who will not smile at the absurdity of this. But really if the law is to have any sympathy at all with

the selfishness which makes the owner of a great estate please himself with the idea of perpetuating his name, by connecting it with imperishable soil, is not the same gratification as reasonable, when it solaces the fancy of a person who has fewer enjoyments at present, and nothing else to attest his existence hereafter? However, the general state of the fact is, that it is the great properties that are most commonly and most anxiously entailed. So that it is not merely by the number of recorded deeds, that the extent of the surface which the practice affects is to be judged of. Fifteen hundred and ninety-one entails, if each of them denotes a separate land owner, amount to nearly a fifth of all the land-owners in Scotland, those of the very lowest class included, and to a great majority of those of the higher rank. But most of these individuals are the proprietors of large estates; so that the soil placed under the influence of the system, bears a much greater proportion to the total land of the country. Sir John Sinclair published a General Report of the agricultural state and political circumstances of Scotland, in the year 1814. This Report contains a statement of the valued rent of every county, and of the valued rent of all the estates then known to be entailed. According to this Table, about one-third of the real property of Scotland, estimated by its valued rent, was then held under entails. If to this there be added the 342 entails which have been put upon record since, and if the many entails that have certainly been executed, though they are not yet recorded, and the extensive preparations for entailing by means of trusts, be taken into view, it may be assumed as perfectly certain, that *at least one half of the whole territorial property of the kingdom is at this moment fettered by entails.*

Besides the ordinary causes that have been operating hitherto, there are two circumstances which have now a tendency to increase them still more. One of these is, that it used formerly to be law, that no person could execute any deed of entail which could exclude his own creditors from attaching the estate. But in a recent case it was decided by the House of Lords, that the owner of an estate in absolute property might entail it, and then contract debts, which would not affect the entailed land. When this rule is once well known, it will be harmless, because lenders will be warned off the property; but there are many land-owners who have been fortunate enough to borrow before it was dreamt of. The other circumstance is, that there are no such entails as the Scotch ones in England; and therefore, the rich men of the South are beginning to look Northward for land, on the purchase of which they may lay out their capital, and then entail it, and leave it

for their families, without a resident owner, for ever. If this once begins, it is not easy to see how an acre of land can escape.

But it is of still more importance to observe that the tightness of the fetters has been increased in modern times, as much as the number of individuals or of acres over which they are laid.

In spite of commerce, the proprietors of land still form a distinct class, on whom peculiar burdens are laid, and from whom the discharge of peculiar duties is expected. The mere circumstance of their having a permanent connection with fixed portions of the soil is of itself sufficient to point them out as marked objects on the face of society. The members of this landed aristocracy are not only expected to maintain the hereditary dignity of their families, but to occupy important public stations, both local and general. One of the necessary, or at least of the natural, consequences of this is, that many of the avenues by which the Temple of Fortune is approached by other men, are shut to them. Their habits and views are connected with their peculiar situation; and, partly from disinclination, partly from unfitness, partly from the idea (erroneous perhaps) of dignity, and, above all, from their having less chance in a competition with those who have nothing but their personal vigour to depend upon,—they are, in a great measure, withdrawn from many of the avocations which ultimately enrich those who start without what is called the advantage of hereditary wealth. Where the commerce of land is free, its owners are free too; for, in this case, their land can be used like any other property. But the first thing that strikes us, in looking at Scotland, or at any other country where land is placed beyond the reach of commerce, and the perpetuity of estates is preserved by artificial means, is, that a class of men is produced, who, while they have to sustain difficult parts, and to hold high stations, are restrained in the efforts which they might otherwise make for improving their condition;—and when thus thrown upon the family estate, and obliged to rest upon the old entail, in what situation do they find themselves?

A Scotch proprietor under a proper entail cannot name his own heir. The heir in expectancy may be his son, who may be rebellious merely because he knows that his father cannot deprive him of an inch of his inheritance; or the holder of the property may have a family of daughters, who he may be certain will be expelled, the instant that he is dead, in penury from the place where their lives have till then been passed, in order to let in a stranger who may be called to the succession, because it pleased the ancient founder of the entail to

have a preference for persons of the masculine gender. He cannot part, for a price or without it, with a single clod. He cannot employ any part of the estate as a source of credit. Except by complying with the vexatious and unsettled provisions of an inextricable statute, he cannot venture to advance money even for the permanent improvement of the estate, with any hope of ever being repaid; and if his predecessor has been fortunate enough to act in conformity with this statute, the next heir only finds himself so much the poorer. It is only by availing himself of the permission of a still later Act of Parliament, that he can make any provision for any member of his family: But if one or two preceding heirs have got in before him, he is doomed to know this statute chiefly by being its victim. He must keep up the mansion-house, and can neither let it, nor the ground in connection with it, beyond his own life, although it may have pleased a predecessor, otherwise rich, to make it so splendid that it would ruin him to live in it. Every other landlord can encourage a tenant to lay out money in improving a farm, by entitling him to be recompensed by the person in possession at the end of the lease. But it is denied that this can be done by a proprietor under an entail. The consequence of which is, that he must either grant an ordinary lease, which leaves the estate unimproved, or must advance the money himself in the first instance, which he is generally incapable of doing, and the whole of which he will lose if he should happen to die the next day.

Nothing made these restrictions tolerable, except two things which, till lately, formed the great resources of such proprietors. 1. It used to be held, that they could at least grant leases of any duration that they chose; and 2. That they could take from the tenant a sum in name of entry money (called *grassum*) at the commencement of the lease. The real effect of these practices was, that entails were evaded. For though an owner was prevented from making a direct conveyance of the property of the estates, he did substantially the same thing, when he let it for a thousand years for a large price paid down at first, and a nominal rent ever afterwards. But it is well known that neither of these things can be done now. It has been decided, and is not now to be doubted, that any lease of extraordinary endurance is an alienation, even when there is a fair rent and no entry-money taken, and that taking of entry money of itself voids the transaction. The remark made by Sir Ilay Campbell, the Lord President of the Court of Session, and a lawyer of great learning, ability, and experience, exhibits a curious picture of the precariousness of property in Scotland,

when it is to be tried by the nice tests arising out of our entail laws. 'I have been now upwards of sixty years employed in studying, reading, practising, hearing, and determining upon all sorts of questions in the laws of Scotland, and I declare, I never heard from the mouth of any lawyer, old or young, or any judge, nor ever read in any book, nor figured in my own mind till now, that an heir possessed of an entailed property, was, or could be, under the smallest restraint as to taking grassums upon the renewal of his leases, the entail itself saying nothing to the contrary.' These words were spoken judicially and with great deliberation; yet it was not only determined in the House of Lords that these innocent grassums were fatal to leases; but it remains a question, whether they may not lead to a forfeiture of the title of the person who takes them.

The practical result of all this is, that an entailed proprietor is not only under all the leading restrictions to which we were formerly accustomed, but that, in applying these restrictions, he is in a far more delicate situation. The old rule was, that in so far as there was not a positive restriction set down, in plain, apt, and palpable terms, he was the *absolute monarch*, as it was called, of the estate. This being the principle, the tendency of courts of justice was always to support and extend the monarchy. It was the exemption from fetters, or, in other words, the freedom of ownership, that was the favourite of the law; and the glory of judicial ingenuity consisted in breaking links and not in forging them. But this principle, though it remains in words, is gone, or at least greatly impaired, in its practical application. Entails get now what is called fair play; that is, the preservation of the entail is the leading object, and no favour is shown to any devices or nice distinctions which may be resorted to in order to defeat it. In particular, the doctrine has been introduced and sanctioned, that an entailed proprietor may be required, and apparently under the penalty of losing the estate, to observe certain rules, for the observance of which he has no other guide except his own discretion. He therefore stands, to a certain extent, in the situation of an *administrator*, and not always for his own behoof. In judging of the legality of his proceedings, the interest of his successor has become an important criterion; so that he has not only a mere life-interest in the property, but, while this interest lasts, if he goes a single step beyond the highway of the entail, he is treading upon pitfalls which may devour him; and he only treads upon them with the less safety, that he has nothing but his own fallible discretion to direct him. We are far from intending to insinuate that these modern extensions of entails are to be la-

mented. On the contrary, the crisis had arrived which made it necessary to look the alternative firmly in the face, and to say whether entails were to be supported, or were to be allowed to be evaded by undisguised devices. Much as we wish to see an end put to the whole of them, we are clear that there was no way in which this could be so ill done as by judicial determinations, which, instead of striking at the root of the mischief, might only diminish its apparent greatness; and therefore, we are glad that the full measure of their inexpediency has been brought out, because this is the most likely to lead to their statutory destruction.

If the proprietor under an entail had nobody narrowly watching his conduct, or if he was only liable to have his deviations from the deed corrected, he would not be placed in so awkward a condition as he stands in. But the genius of the inventor of the Act of 1685 has supplied very efficacious machinery for detecting and punishing every lapse. For, in the *first* place, almost every infringement of the entail exposes the person guilty of it to a forfeiture of his own right, and frequently to a forfeiture of the right of all the descendants of his body. And, in the *second* place, the heirs in expectancy are always tempted to discover challengeable transactions, by the reward of either getting possession of the estate, or at least bringing it nearer them. For the right to challenge is not confined to the heir highest up in the scale. Every one of them, however remote, is held to have not only an interest, but a duty to perform, in protecting what they all look to; and it has been decided, that it was no objection to such a complaint, that there were *twenty-five* existing substitutes, besides their possible heirs, interposed between the property and the person who complained.

Sir John Dalrymple, who was a strenuous supporter of the whole of this system, was aware, * ‘that the time may come, when, too much of the property of the kingdom being already locked up, the permission to entail more of it would be no longer any advantage to the nation.’ He adds, however, that he does not ‘imagine that that period will arrive for *many hundreds* of years;—but intimates, that, ‘till this period arrives, our conveyancers will be inventing new clauses to guard entails; our lawyers will be inventing new devices to elude these clauses; our Judges will, for some time, fluctuate between the two; and our Parliament will be passing laws to enlarge the power of those who are too much limited by particular prohibitions in their respective entails.’ † Since the date of the

* Considerations on the Policy of Entails, p. 86.

† Dalrymple on Feudal Crimes, p. 186.

statute of 1685, which is now 141 years ago; Parliament has only twice interfered in this way; and though it is not unusual to hear very intelligent persons praising these interferences as great alleviations of the inconveniences of entail, we must confess that it has always appeared to us that they are both the very reverse.

The 10th of Geo. III. cap. 51, (passed in 1770), was chiefly intended to encourage entailed proprietors to lay out money on the improvement of their estates. For this purpose, it authorises them to expend, upon the security of the profits of the land, four years rent on agricultural operations, and two years rent on the mansion-house and offices, being six years rent in all. The statute is full of conditions, under which alone these powers can be lawfully exercised, and it would require a good deal of arithmetical statement to explain the various ways in which it operates on each heir; but its substance is this, 1. The person in possession may charge these six years rent against his successors. 2. If he does so, the person who succeeds must pay the interest; but if he chooses to give up one-third of the clear profits of the estate, this sacrifice is enough, and he can be required to do no more. 3. If the heirs in expectancy after him choose to pay any part of the debt, (a supposition that is nearly fanciful), they can compel him to apply one-third of what remains to him in repaying them. The main fact to be kept in view is, that each heir succeeding to an entailed estate is liable to find himself burdened with a debt equal to six years rent, of which he must pay the interest so long as he does not pay the capital,—and that this burden is so great, that it was foreseen and provided for, that he would often chuse to escape from it by giving up a third part of the clear rents.

The 5th of Geo. IV. cap. 87, (passed in 1824), was meant to enable the holders of entailed estates to provide for their families. It, therefore, 1. Empowers them to settle a third part of the free rents on their widows, and one year's rent on one child not the heir, two years rent on two children, and three years rent on three or more. 2. The next heir can always get free of the provisions in favour of his predecessor's children, by giving up one-third of the clear profits to a trustee, *to be named by the Court of Session*. He may, however, be obliged, in certain cases, to pay another third to the widow, besides this. 3. For the only point at which he is ultimately safe is, when all his payments together, under *both* acts, leave him only *one-third* of the profits of the inheritance. It is provided (§ 13), that he can in no event be obliged to part with *more than two-thirds*. But if he happens to be altogether clear of the first act, then it seems that, under the second, he may be required to give up one-third

to the widow, and three year's rent to the children of the preceding possessor.

It has sometimes been supposed that these two statutes obviated all the objections to our entails: For what, it has been said, can an entailed proprietor desire more than that he should be enabled both to improve his land and to provide for his family? Now, for the existing man, it might be admitted that this is quite enough; but if the condition of *his descendants* is to be looked to, it is certain that the attempt to accomplish these objects by means of these statutes, must only show, that the law in its present state is a great deal worse than it was before.

One thing, at all events, is evident, that credit cannot be claimed for both of these acts at the same time, because, for all practical purposes, the one defeats the other. Mr Irvine shows this by arithmetical explanations (p. 82.); but, from his usual anxiety to avoid exaggeration, he has perhaps fallen into the opposite extreme, and has not stated the thing half so strongly as he ought. He takes the case of a succeeding heir being allowed to retain *two-thirds* of the rent, and shows that, in this view, both statutes could not be operated upon at once; which indeed is clear enough, when it is considered that *each* of them allows the heir in possession to create burdens on his successor to the extent of one third, and consequently only one of them could be operated on at a time, if that successor was always entitled to have *two-thirds* clear. But the fact is, that the succeeding heir is only certain of preserving *one-third*; or in other words, *the possessor of an entailed estate worth three thousand a year, may be reduced, by the act of his predecessor, to the enjoyment of only one thousand.* Now, in this view, it may be said, with greater force than Mr Irvine states it, that both acts cannot be called into action at once; because, though this may be done, it can only be done by ruining the head of the family. And it must be observed, that these burdens are not only heavy, but that they have to be borne a long way. Since the next heir is only bound by the first act to give up one-third of his rents, and yet, as the debt, of which he must at least pay the interest, may amount to six years rents, the principal can scarcely ever be redeemed at all, and in point of fact very rarely is. Suppose an estate to be worth 1800*l.* a year. Six years rent of this is 10,400*l.*; of which the interest is 520*l.*; which is within 80*l.* of the third part part of the total rent; or in other words, the debt of 10,400*l.* must subsist against the estate till it be discharged, if the next heir pleases, by payments of 80*l.* a year. Then, under the other statute, the provisions to widows and younger children can only be discharged on a similar principle,

and therefore these provisions too have a tendency to become mere annual claims on the estate. The claim of the widow indeed ceases with her life; but those of the children endure till the principal sum be paid.

If, from a conviction of the impracticability of availing himself of both statutes at once, a wise man begins to think *which* he will prefer, neither side of the alternative can seem very inviting; for the most obvious view of the case is, that he must either improve his estate by leaving his family destitute, or provide for his family by leaving the estate unimproved. Upon a more minute inspection of each act, he will find both of them liable to objections which are perhaps inseparable from any system which rests on the principle, that entails indeed are to be kept up,—but that he who is about to die may abridge the estate of one third, or of two-thirds of its worth, when it passes into the hands of the next person who is to maintain the dignity of the family!

The Entail Act (as the 10th Geo. III. cap. 51. is commonly called) is so confused and inextricable, that it has made, and probably ever will make, a vexatious lawsuit out of every attempt to act upon it. If it were right in principle, this might be remedied. But its principle seems to be tainted by two essential vices. In the *first* place, the prospect of getting the sum that is laid out made a burden upon the estate, is so precarious and awkward a security, that it is not safe for the possessor to advance money of his own, if he be in the rare condition of having it, and very difficult to get money to borrow, on the faith of it; especially since the security does not arise till the money has actually been expended; after which the lender is apt to find himself in jeopardy by endless formal flaws. Hence the result has been, that infinitely less has been done under this statute than could have been imagined. In the *second* place, no improvements can ever be properly conducted, when one man is to devise them, and another is to pay for them. The statute does not, and could not, check improvident or pernicious operations; but leaves this, within very wide limits, to the discretion of the heir in possession; who, if he happen to be smitten with a passion for agricultural operations, more itching than judicious, may force his successors to pay for alterations that are useless if not hurtful, and which are generally described in the accounts which are recorded as the evidence against the estate, as having cost a great deal more than they really did. Indeed the difference between the actual and the recorded outlay may be so great that it is notorious that this statute is often resorted to, not so much for the sake of improv-

ing the estate, as of rearing up a debt against it; which the existing heir may dispose of as he pleases. In short, for proper agricultural improvements, the act is not very useful; but it is a fertile source, sometimes of disappointment, and sometimes of improvidence and of trick, against the estate.

The 5th of Geo. IV. cap. 87, (usually termed Lord Aberdeen's Act), is chiefly distinguished by the circumstance, that it, for the first time, introduces a regular system of Judicial Trusts for the management of private property in Scotland. It cannot be doubted, that almost every heir in possession will take care that the sum which he allots to his widow and children shall, hereafter, be so allotted; and wherever this is done to the extent authorized by law, the next heir, instead of having any accounting with the family of his predecessor, will free himself of all further trouble, by giving over that third to the judicial trustee, and keeping the rest to himself; so that the tendency of the statute is to bring the affairs of every entailed estate under the inspection, and, to the extent of one third, under the controul, of an official guardian.

But the most formidable objection to both statutes arises out of the very benefit which they were intended to confer. They were meant to improve the condition of entailed proprietors in all time to come. But it is quite plain that their practical effect will be merely to enable those who *first* take advantage of them, to sacrifice their successors to their own convenience. The estate is protected indeed to the extent of one third of its value. But to the extent of two-thirds the next heir is liable to be completely shorn: So that the ultimate result of these plans for the relief of the owners of entailed estates is, that in a very few years, when Lord Aberdeen's Act shall have had time to operate, each of them will probably find, when he comes to take possession, that the estate is reduced, in so far as he is concerned, to one-third of its actual worth. If, to this deduction, there be added the other claims to which every landed proprietor is subject, it may safely be stated, that, where both acts are brought into action, proprietors of estates worth two thousand pounds a year, will not actually possess a rental of five hundred: while the very causes of their reduction must double their impatience under it. What they will suffer from, will be the existence of previous burdens or provisions upon the estate; and the existence of these is the very reason why no more can be added till these are cleared off;—So that they first get the estate in a reduced condition, and then, though this gives them the greater desire to provide for their own families, it makes it the more difficult for them to do so.

It has been said, to be sure, that, after all, they are no worse off than if they had merely been born to estates of this diminished value; and that it is no great hardship to a man that he has come into the world with 500*l.* a year waiting for his acceptance. According to this view, it would be no hardship if the division were repeated, and he were to have only 250*l.* prepared for him; and it might even be better if he had been born penniless—as in that case, at all events, his state would not have been greater than his means. But the whole system of Scotch entails is defended upon the ground of its tendency to maintain the perpetuity of families in a state of due splendour. How this is to be effected by striking each of them down two degrees of dignity, and rearing a race of land-owners, who, although the line of their visible succession may be long unbroken, must be, for all practical purposes, in a lower and more dependent condition than any other persons possessed of the same wealth, it is somewhat difficult to understand. If the idea of preserving the hereditary state of the family by artificial props were abandoned, it might be immaterial whether the rents were great or small; but the attempt to combine penury and state is vain in its principle, and contemptible in its result.

It is sometimes supposed, that if it were not for entails, our veneration for ancient houses would decay; and that the respect for property in land, which is thought to be so useful, would be succeeded by a vulgar taste for mere upstart wealth. Nothing, however, can be more erroneous. There is scarcely any tendency so instinctive as that by which all men, the instant that they become owners of land, acquire the ordinary land-owner feelings. And when this is connected with the hope, or with the recollection, of ancient family, it is a passion strong enough to support all the respect for the possessors of the soil which our manners or institutions require, without the aid of artificial devices. Accordingly, it is well known that the hereditary property of some of the oldest families in the country, *has been preserved* without the vexatious and degrading compulsion of entails. To fly, indeed, to an entail, is the mark and the propensity rather of a new man than of an old one. And the value of the *natural* landed aristocracy is, that its precariousness first induces its members to be prudent; and then, when they are not so, and their possessions pass away from them, they disappear from the scene altogether, and are succeeded by others, who become in their day, not only the holders of their property, but their successors in all the feelings which constitute the peculiar, and what is supposed to be the valuable, character which distinguishes the lords of the soil. The *artificial* aristocracy is built on a different basis. It presumes that there are no principles which

in this country make men naturally proud of territorial possession; and, therefore, it endeavours to create that feeling artificially, for the good of the State. For this purpose it enables every fool to fetter that part of the public property in which the public has the greatest interest, as long, and in whatever manner, his folly may dictate; and, lest our admiration of antiquity should decline, it puts it out of the power of any wise successor he may have, to withdraw from a station which he can no longer sustain; and insists on fastening them all successively on society, as the representatives of ancient races,—though they be reduced to a state of pecuniary difficulty, which renders them the humiliation, and not the pride of the old family, and makes the recollection and the signs of what they once were, the most cruel circumstance in their condition. The one aims at preserving the *class*,—in which, by the laws of nature, it can never fail; the other attempts to preserve the *individuals*,—in which, by the same laws, it can never succeed. One of Sir John Dalrymple's reasons for resisting the mitigation of entails in the year 1764 was, that 'most men of entailed estates are in straitened circumstances, because, in these days of general extravagance, most of them live above their income.' Therefore, for the dignity of the family, he is eager for supporting their extravagance at the expense of their creditors!

The time however, we think, is now come, when it is proper, or rather absolutely necessary, to correct this great and increasing mischief. Some people start at the very idea of touching entails, and seem to consider them as something sacred, the meddling with which would lead to the dissolution of society. But these persons should recollect, that the object of their reverence was made by one statute; and that nothing is so natural, as that it should be unmade by another,—especially as the circumstances which gave rise to it no longer exist. They should further recollect, that the supposed inviolability of entails has been trampled upon by Parliament repeatedly, and generally with the perfect concurrence of entailed proprietors. The two statutes that have just been mentioned are examples of this. By these Acts, parliament not only acknowledged the principle, that the person in possession might be freed so far from his fetters, but that this might be done by sacrificing the vested rights of his successors. Many similar examples might be given. The rights of substitute heirs were encroached upon by the Act of Union between England and Scotland, in so far as it exposed entailed estates to forfeiture for treason. They were touched upon by the Act for abolishing heritable jurisdictions in 1747; and almost every recent Statute which lays burdens for pub-

lie purposes upon existing landed proprietors, as for jails, bridges, &c., authorizes these persons to accomplish the object immediately in view, by disregarding the entail. There is nothing new, therefore, or startling in the idea of attempting to subject this system to legislative correction; and the only practical or difficult question is, what ought to be done?

In considering this, one step at least seems tolerably clear;—which is, that a marked line ought to be drawn between land that is already entailed, and that which is still free; and that the latter ought to be saved peremptorily, and without a moment's delay. One half of the country of Scotland is still perfectly open to any scheme of legislative policy. There are no vested rights to interfere with its regulation. In framing any measure for regulating it, a great variety of points would, no doubt, require to be attended to: But there is one general principle which ought to be taken as a guide, and the object of the whole plan—and that is, that the same compromise ought to be made between the power of ownership and the necessities of society, which was made by Justinian, and adopted in various countries of Europe, and is at this moment practised in England; the nature of which is, that though a proprietor may do certain things which shall affect his property when he is dead, he shall not be allowed to do every thing. Under this rule, the contest which has always subsisted and will always subsist, between the ambition of proprietors and the claims of the state, has been, and may be adjusted, by allowing individuals to entail *to a certain length and no further*. The whole of this subject was fully discussed by the Faculty of Advocates in the year 1764, when that learned Body prepared the Heads of a Bill to be introduced into Parliament, for alleviating the evils of entails. It was carried, with only four dissentient voices, that no future entail should be effectual except against persons *in existence at the date of the deed*, and specially named in it. It has often been suggested, that it would be better to give the power of entailing for one, two, or three lives. But in truth it is comparatively immaterial what measure be adopted, provided it be not too loose; but the general principle of introducing some such measure or other, is indisputable; and this is all that we are anxious about at present.

As to existing entails,—the Faculty of Advocates adopted the very same principle. They proposed that they should remain in force during the lives of all such heirs as should be in existence when the statute passed, but no longer; leaving them, of course, as well as the new entails, to be prolonged after the deaths of these persons, for the same period, if the owner in possession at the time should choose to do so. It is a remarkable

contrast to what we sometimes hear about the sacredness of our entails, that this principle of letting them all die out, both old and new, within a limited and visible period, was not only recommended by Lord Mansfield, and carried by the Faculty of Advocates, nearly unanimously, but that it was approved of by the Barons of Exchequer, by the Convention of Royal Burghs, by the Society of Writers to the Signet, and even by a great number of Scotch Counties,—whose meetings, however, are so constituted, that certainly less weight is due, and is commonly attached, to their opinions, than to those of any other portion of the community. Their votes were valuable upon this occasion, solely because they must have been chiefly composed of those who held, or expected to hold, entailed property. The measure however, was defeated without being ever brought before Parliament; chiefly by the zeal and activity of Sir John Dalrymple, who raised a clamour, which at last converted some of the very counties who had just before condemned his opposition. They were convinced, we have understood, by five notable ‘consequences’ which Sir John endeavoured to show would follow the adoption of the measure. Of these it is sufficient to quote two. ‘*Third consequence*: Money would be withdrawn from commerce to purchase land; and thereby commerce would be hurt. *Fourth consequence*: Importations would decrease, and home consumptions and exportations increase.’

After all, the scheme of letting existing entails expire with existing lives, is one which had better not be revived, because it does interfere with the rights of substitutes to such an extent, that there is little chance of its ever being carried. To subdue their opposition by satisfying their claims, two modes of proceeding have been recommended. One is, to entitle the person in possession to buy them off, by paying them an adequate consideration, to be fixed by jury or otherwise, for their interests; and to force them to part with their interests upon receiving payment of the estimated value. The other is, to introduce no such compulsory process, but merely to allow entails to be brought to a close, by any voluntary arrangement, in which those who are interested may concur.

Of these two schemes the last appears to be the best. The first has to meet the opposition of long lines of substitutes, who may set forward their vested rights of expectancy; and an outcry, raised upon this ground, will have more effect in defeating the general measure than any thing else. Besides, the certainty of having a right to be paid for renouncing their hopes, will make them all unreasonable in their demands. And even though they should be perfectly reasonable, the calcula-

tion of the value of their interest depends upon the chances of so many lives, placed in such different degrees of proximity to the estate, that it would be almost inextricable. The scheme of voluntary adjustment is liable to none of these obstacles; for no one could object to a settlement to which he himself had assented. The only plausible objection to it is, that in most cases they would never agree at all, so that no good would be done. There are several grounds however for supposing, that this anticipation would prove erroneous. It is found by experience every day, that remote heirs, either from their respect to the head of the house, or from their being conscious that they would gain nothing by unreasonable opposition, concur in measures by which their nominal interests are trenched upon. And as to those whose interest, from their nearness to the succession, is more substantial, they are commonly persons who would be most easily dealt with; because, in the *first* place, they have something substantial to get for their consent; and, in the *second* place, because they must see that it is infinitely better for them to have half the estate, free, than the whole of it fettered. How often do sons and other near relations, who have nothing to do with the debts contracted by the person in possession, bind themselves for the payment of these debts? In every such case, it would be a much less sacrifice to concur at once in breaking the entail; after which a new arrangement might be made of the unincumbered estate. This plan would certainly be of slow operation; but this, we think, is only an additional recommendation of it. In the mean time, the existing entails would be dying out, while no new ones were made. So that, while some of them might survive, as specimens of what the system had been, the country would be sufficiently freed of them for all practical purposes.

The prevention of the execution of new entails is the business of those whose duty it is to foresee and arrest public calamities. There are no vested rights to oppose them; so that they are entitled to take the measure up purely on grounds of expediency. They will be told that the country has flourished in spite of the old ones; for this is what is uniformly urged, and always with perfect truth, when it is proposed to change any thing Scotch. Scotland has unquestionably made an advance from barbarism to civilization, and from poverty to wealth, during the last hundred years; but it is equally unquestionable, that this advance has been made, in spite of many very bad things in her system, which it has lately been found necessary to alter. No one can know the country without admitting, that though many entailed estates have been admirably managed,

and some families perhaps been saved by entails, in their general effects they have operated as a dead and very heavy weight on its elevation. At any rate, till lately, less than a third of the land had been touched by them. The true point to consider is, what is our condition to be half a century hence?

As to the existing ones,—relief from them is probably only to be expected through the concurrence of those who have acquired rights in consequence of them. Those in possession will at first shrink from letting the long race be cut short; and think that it is better, even for younger children, to have one great brother or father who can employ his personal and political influence in advancing them, than to give them all moderate provisions of their own. In opposition to this, they should accustom themselves to fancy, since they have never experienced, the sweets of unfettered property,—the true greatness which consists in being out of debt,—and the probability that, after all, the stability of the house may be maintained by periodical prolongations of the limited entail. Those in expectancy will be sanguine in their hopes; every one thinking that the prize will certainly fall to him. But their opposition is the most unreasonable of all. Because a law authorizing amicable adjustments, which is all that is wanted, will leave them at full liberty to act as they please; and it is plainly better for them to get the value of their expectations now, than the chance of their visions hereafter.—Whatever is done, either as to the past or the future, it is to be hoped that no more attempts will be made to reconcile the incompatible objects of preserving this entailed aristocracy, and yet letting one class of its members nibble the estates out of which the next class is to subsist, all away. Each heir ought either to get the property unincumbered during his day, so that he may maintain his station, which was the original idea,—or the whole system ought to be shaken and subverted.

ART. X. 1. *Reports and Evidence on the State of Ireland, ordered to be printed by the House of Lords and the House of Commons. Session 1825.*

2. *A Treatise on the Law of Landlord and Tenant in Ireland, By JOHN FINLAY, Esq. Dublin, 1825.*

THOUGH we hear of nothing yet in Parliament but Banking and Finance, the Session cannot pass over without something being done, or announced at least as about to be done,

for Ireland. *That*, we may be assured, is now the vital and the urgent question for England; in comparison with which, all other questions, whether of domestic or of foreign policy, shrink into insignificance—and as to which it seems at last to be felt that the time is fast approaching, if in fact it be not already come, when temporizing and evasion will be no longer practicable, and something decisive *must* be done for the relief of that distracted and strangely misgoverned country.

Our object at present, however, is not so much to exhort or convince, to censure or expose, as simply to give information:—and, in particular, to draw the attention of our readers to such parts of the Evidence lately produced to the Parliamentary Committees as seem to be of the greatest importance. This evidence is so voluminous, that but few persons can have leisure to examine the whole of it. It abounds too in repetitions; and is so entirely without arrangement, as to the subjects it refers to, that we really cannot but think that most readers will profit more by the perusal of such a selection as we are about to offer, than by any attempt to digest the whole mass for themselves. We consider the appointment of these Committees, and the free scope that was allowed to their inquiries, as infinitely creditable to the Government—and as affording the best pledge of their sincere intention to act upon the invaluable stores of information with which they have thus been supplied. That, however, is *their* business—and the greatest and most arduous they have ever had to perform. It is ours, in the mean time, to dispose, and enable the public to cooperate in this great work, by laying shortly before them, from these authentic sources, the true state of the facts;—and in this view we shall proceed, without farther preamble, 1st, To arrange the evidence in such a manner as to show distinctly the several evils which exist either in the law or in the application of it; and, 2dly, To trace out and explain in general the scope and character of the measures which are now requisite for their redress. We omit, for the present, any thing touching the great questions of Emancipation and the Ecclesiastical Establishment, and shall confine ourselves to the Civil affairs and institutions of this unhappy country—beginning with the

Administration of Justice.—One of the greatest evils that has afflicted Ireland, is the defective administration of the laws. The most abominable violations of public duty by magistrates have long been allowed to go on, in open day, without notice or reprimand: and, we are persuaded that it is to this most culpable neglect or connivance that we should attribute a great part of that habitual hostility to the laws, and of those perpe-

tual disorders which are so fatal to the progress of industry, and the prospect of repose. We shall not, however, begin with the details of these monstrous abuses, to which we cannot doubt that a remedy will now be applied; and proceed at once to more manageable statements.

On the *Superior Courts*, Mr O'Connell gives the following free and important evidence.

'In the Court of King's Bench, every thing is done that one can wish. I cannot say that of the Courts of Common Pleas or of the Exchequer; though there are individual judges in both of whom I think highly. The Court of Chancery is not so well: indeed it gives no satisfaction at all. The apprehension of partiality is more occasioned by the kind of instruments that are used to bring questions to trial, than in the superior judges themselves.'—'The Sheriffs of Dublin give a pledge before their election of taking a particular part in politics against Catholics.'—'Catholics would rather submit to great wrongs than attempt a trial in Dublin.'—'In Limerick I have seen instances of the grossest and most outrageous opposition in particular juries to the administration of justice.' *

Although for a few years back the appointments to the Bench have been made in a more decent manner than formerly, still the manner of selecting judges from the Bar might be improved. As to the proceedings of Corporation Sheriffs, they were so fully exposed in the late inquiry before the House of Commons into Sheriff Thorpe's conduct, as to render it unnecessary to make any comments on Mr O'Connell's evidence upon the notorious partiality with which they pack juries for particular cases. The remedy here is obvious and easy: But the business connected with the superior courts that presents to our notice the grossest abuses, is the conduct of Sub-sheriffs in Ireland. We alluded to this subject in a former article; and we are happy to find correctly—though our information was necessarily imperfect. At present we have the decisive evidence of a most respectable and experienced witness, Mr Joseph Abbott, a solicitor of twenty years' practice, in which he minutely narrates the manner in which the duties of sub-sheriffs are performed—or rather evaded.

'There are very great difficulties in executing process on judgments recovered, which arise from the very imperfect manner in which the duty of sheriff is performed; so much so, that we are in the habit of saying that the obtainment of final process is the beginning of trouble. There is no ostensible office where a sheriff is to be found; that is the primary difficulty. Where you find him, and de-

* Evidence, 1st Lords' Report, 123. The references in this article are to House of Commons' Copy of the Lords' Report.

liver him a writ, he will perhaps look at it and say, "Well"—or "It is well"—or "I will take care of it." If you press him to the execution of it, if it be against the person, you find that he has no bailiff; he never keeps one. The person who delivers the writ is then prepared to demand that the Sheriff will grant a special warrant, which he will do to any person named, on the payment of certain extra fees, and giving an indemnity against the consequences of mistake or error in executing the process. But in nine cases out of ten the writ is not executed, *as the Sheriff gives the party notice*, so that it becomes perfectly nugatory. As to execution against goods, the course is this: the Sheriff expects of the two the defendant will be *a better customer to him* than the plaintiff; as the defendant is in his bailiwick, and the plaintiff is not! it is, therefore, the usual practice to get the fees from the defendant, to which the Sheriff would be entitled upon executing the writ for the plaintiff. If the defendant has arrived at that state of difficulty at which he will cease to be *a productive man to the Sheriff*, and if the plaintiff *outbids* the defendant, he may probably have his process executed! I have been concerned for a number of persons in the neighbourhood of Birmingham and Wolverhampton, and other manufacturing towns, who have had very considerable dealings with persons in the country towns of Ireland, and who have been so far deterred from continuing to trade in the country *as to close their books*; some of the most respectable of those persons saying it was not worth while to do business in it.—The under-sheriff is a person who makes his office, as far as possible, *an inheritance*; he looks upon the defendant as a permanent customer, being within his jurisdiction. I have been informed, and I have no reason to doubt the fact, that instances have occurred of *a regular annuity* being paid by a gentleman in Ireland to the Sheriff, who had compounded on a large scale for his fees; in one instance I have heard that 1500*l.* a year was paid by one individual.—The Act of 3. Geo. 4. by enacting that you shall direct no writ to the coroner unless the party defendant be of kindred with the Sheriff, has cut off the last chance the plaintiff had of getting his process executed.—The difficulties of proceeding by mesne process in Ireland are not less numerous, nor the removal of them less important than those stated with respect to final process. No Sheriff in Ireland ever troubles himself about the execution of mesne process; *he has nothing to gain by it*, much to lose. In many instances the debtor, if arrested, would pay or secure the debt rather than expose his situation by applying to his friends to procure bail, and thus the prospect of fees would be precluded! In Ireland it is impossible (with few exceptions) to get process to enforce special bail executed.—This is a subject particularly deserving of attention at the present time, when so strong a disposition is manifested to employ English capital in Ireland. Hitherto it has come within my own knowledge, that persons in trade, and others in England, have been deterred from doing business or embarking their property in the country, by reason

of the known difficulties attending upon the execution of law process in civil suits. The sad experience of persons in trade in Ireland has proved that such apprehensions were but too well founded. The older and more opulent class of persons in Dublin frequently decline doing any business with persons in the country, except for cash; younger and less experienced traders, anxious to do business, are frequently induced to embark in a credit trade, in most instances to their ruin. They frequently, from this cause alone, become bankrupts, having nothing to return to their creditors but a schedule of debts, a small part of which is ever collected. — 'The Sheriff generally delays the return of the writ for as long a time as possible, until a conditional rule for a fine be entered; when, before the time for making it absolute arrives, he files his writ with whatever return he thinks proper upon it; the cost of this conditional rule of the affidavit on which it is grounded, and of the renewal of the writ, usually falls on the plaintiff. If the plaintiff apply for an attachment against the Sheriff for a false return, the Sheriff may discharge himself by affidavit in reply. If the plaintiff proceed by action, he does so at the risk of treble costs, upon the swearing, perhaps, of persons of a low and more than doubtful description, who are too easily to be had in such cases, through the influence of the defendant, or of the Sheriff himself! In prosecuting proceedings, therefore, in Ireland, the plaintiff usually calculates rather upon the defendant's settling the demand in an early stage of the proceeding, than on the operation of final process; or he calculates upon inducing the Sheriff to do his duty by offering him a *douceur* in proportion to the sum levied. So prevailing is this practice, that few Sheriffs hesitate to stipulate for such remuneration; and even where the money has been confessedly levied and received by the Sheriff, he will frequently ask for what he considers a suitable remuneration for doing his duty, at the peril of delaying the return of the writ, or making a false one of goods on hand. Such demands on the part of the Sheriff are so well known to suitors in Ireland, as to produce very little observation.' *

Mr Dogherty, a barrister of seventeen years practice, says farther upon this subject—

'I think, on the part of the superior courts, there is no disinclination to visit the Sheriff severely, when he is proved to have been guilty of any laches or misconduct.' — 'But I am not sanguine that the Commissioners of Law Inquiry will find out any effectual mode of correcting misconduct, for I think the law has, from time to time, done all which it can effect;—it is a want of moral feeling.' †

No one, we think, can read this evidence, without being equally surprised and disgusted with the abominable course of profligacy and corruption which is there exhibited. When we thus find, that a set of low attorneys, filling the offices of sub-

* Evid. Lords, 196.

† Ib. 90.

sheriffs of the counties of Ireland, have been suffered to bring down upon the whole community such extensive injury, as that of depriving creditors of the means of recovering their property, for the sake of their own emolument, we discover a new proof, in addition to the many which already exist, to show that no civilized country has ever been so shamefully mismanaged as Ireland: and though Mr Dogherty tells us, that the whole blame rests upon *the bad moral feeling* of the people, we cannot but suspect, that there is a neglect and indifference, to say the least of it, on the part of the Judges, to which the continued impunity of the evil is in great part to be ascribed. We have often heard it alleged, that the Judges of Ireland lean on most occasions to the side of official and professional men; and there are circumstances, no doubt, in the state of that unhappy country, that may well enough account for such a bias, though, in such cases as we are considering, its operation must be most pernicious. Why else, we would ask, should they not exercise the same effective control over the sub-sheriffs as the Judges of England? The law of the two countries is in this respect exactly the same. English debtors are not less disposed, we presume, to avoid legal process than Irish debtors, nor are English attorneys much more virtuous than Irish attorneys; and yet the Judges of England have always been able to secure the execution of this office in the most satisfactory manner.

In respect to the measure which Government has taken, of referring this business to the Commissioners of Law Inquiry, we must say at once, that we expect no good from it. The truth is, that we want no further *inquiry*; and as to a reform of the evil, the Commissioners, who are Irish lawyers, can scarcely be expected to lay the blame on the Judges, or to recommend to them the only true remedy, namely, a more active and vigilant discharge of their duties. On the contrary, they will probably propose the appointment of some new officer to execute process, and thus carry off public attention from the cause of the evil, and contribute to continue it. All that ought now to be done, we think, is this:—Government should call upon the twelve Judges to explain distinctly, why the law has been inoperative in their hands, in checking such flagrant abuses—and at the same time should require them to use all possible diligence in giving effect to its provisions. The only measures that should be taken, till it was seen what this would do, are, 1st, to remove the restriction imposed by the Irish law upon the same person continuing year after year to fill the office of sub-sheriff; and, 2dly, to repeal the provision of Mr Martin's Act, which prevents Coroners

from executing process. That the consequences of the present shameful system are by no means confined to actual litigants, is apparent from that part of Mr Abbott's evidence, which shows its effect in destroying credit: and it is plain, that no measure which Government, or Parliament, or companies, or landlords, can devise for increasing the capital of Ireland, can have the least effect till an effectual remedy be applied.

Public Prosecutor.—Whatever may be thought by persons wedded to English institutions, of the advantage of leaving all criminal prosecutions to private exertions, there can be but one opinion of the folly of carrying this practice into Ireland.

Mr Rochfort's Evidence.—‘What is your opinion with respect to the propriety of instituting an office for conducting prosecutions?’ —‘I think there is a great failure of justice in most cases, from the want of some public prosecutor in the county towns of Ireland; and I think so, from having seen the people so often ignorant of what they should do—not coming prepared with their witnesses—not knowing how to conduct themselves. I speak of the Quarter-sessions; I believe I might say the Assizes too.’

In fact it was universally felt many years ago, that in Ireland it was absolutely necessary to give the public some security that offences should not escape unpunished, from private fear, favour or corruption; and accordingly, there is a Crown Solicitor for each of the four provinces, who attends the Assizes, and has authority, with the sanction of the Attorney-General, to carry on prosecutions at the expense of the Crown. Mr M. Barrington, the Crown Solicitor for Munster, says in his evidence, ‘The Crown in general prosecutes every desperate outrage, otherwise there would most likely be a total failure of prosecution. I have always found, that whenever the Crown has not prosecuted, there was generally no prosecution, or an ineffectual one.’ *

This institution has no doubt been attended with excellent effect, though it has been occasionally abused, by putting the public to more expense in bills of costs and fees to counsel than was right. But it should be made general; it should not depend upon the pleasure of the Attorney-General; and instead of four for the whole kingdom, a public prosecutor should be appointed in each county, like the procurators-fiscal in Scotland, to manage all prosecutions, both at the Quarter-sessions and at the Assizes. In Ireland, so many influences exist to prevent the private party from prosecuting at his own risk—dislike, inability to incur expense, the fear of revenge, the

* Evid. Com: 575.

partiality and corruption of magistrates, and many others, that such prosecutions may be fairly regarded as impracticable: and therefore, the appointment of a public prosecutor in each county, to receive all informations from the magistrates, and to conduct all criminal prosecutions, is the best thing that can now be done to amend the system of administering the criminal law in Ireland.

*Inferior Courts—Quarter-sessions.—1. Criminal Court.—*The general law in Ireland in regard to Quarter-sessions, is the same as in England; but in 1795 the Irish Parliament passed an act (35 Geo. III. c. 25.), by which the Lord Lieutenant is enabled to appoint a barrister in each county *to assist* the Magistrates at the Quarter-sessions, and act as their Chairman; and by the same act a Civil Bill Court was created, to have its sittings at the time of the Quarter-sessions, in which the barrister is the sole judge. The experience of thirty years has proved the great value of this innovation upon old prejudices, and on the perilous practice of leaving the criminal law at the mercy of an unpaid magistracy. The Irish Magistrates are themselves amongst the first to admit the superiority of the new practice: But we find, from the evidence of Mr Dogherty, that the power of appointing barristers was soon, as a matter of course, turned into a job. This witness says, ‘Down to the administration of Lord Wellesley, I have always understood it to be the practice, and I am sure that an observation of the persons appointed would lead one to think so, that what is called the predominant county interest operated in the nomination of the assistant barrister, and he was invariably found connected with the county.’* Lord Wellesley has the great merit of having put an end to this job; and also of being the first Lord Lieutenant who appointed a Catholic to the office, although it has always been open to Catholic barristers.

The way in which business is carried on in the Criminal Court of the Quarter-sessions, is explained in the following evidence.

General Bourke.—‘The junction of the Civil Bill process with the Quarter-sessions has been found extremely prejudicial to the due administration of the Crown business, by the disorder and confusion which it has introduced. In order to correct this evil, the Court of Quarter-sessions should be confined to the objects of its original formation, and be held at the usual times by the Justices of the Peace for the county, with the assistance of a barrister. The

* Evid. Lords, 93.

Civil Bill Court should be erected into a separate tribunal, of which the assistant barrister should continue to be the judge.*

Mr O'Connell—'Grand Juries at Sessions are selected from improper persons; low persons; the venders of beer and spirits find it a profitable trade to be Grand Jurors, because they can vote against the finding of bills for their customers.'—'Magistrates ought not to be exempted from serving on Grand Juries.'—'The appointment of petty juries at Sessions is equally bad, or perhaps worse.'—'The proceedings of the Court are not conducted with order or regularity, except where the personal character of the assistant barrister is of a more decisive nature.'—'The limited nature of the fees prevents respectable attorneys practising, and has a natural tendency to excite attorneys to multiply the number of cases.'†

2. *Civil Bill Court*.—By the act of the 35 Geo. III. c. 25, the Civil Bill jurisdiction was established, and made to extend to the several antecedent statutes respecting civil bills at Assizes. Mr Currie, the assistant barrister of the county of Londonderry, says, 'The powers of the Civil Bill Court go to all actions upon bonds, upon promissory notes, and on bills of exchange to the amount of 20*l.*; to all actions for goods sold and delivered, and what are generally called actions of *indebitatus assumpsit*, to the amount of 10*l.*, in trover to 10*l.*, and in actions on the case to 5*l.*'‡ The Court also has power to try actions of ejectment, when the rent does not exceed 50*l.* a year. The following evidence explains how the business is conducted.

Mr O'Drischol—'There are a great many inconveniencies connected with the practices at Quarter-sessions. In the county of Cork I have known these courts to be extremely irregular, very crowded, and the business conducted in the worst manner possible.'—'In respect to swearing witnesses very great inconvenience arises, and great injustice, in consequence of the habit of suborning persons to swear to the service of process, when no process has been granted. Thus execution issues on the process; and connected with the execution there is this great inconvenience, that it is not executed by the officer of the court, but by the parties themselves.'—'The person's goods are constantly sold under the execution; when in point of fact there was no original process, and when the party, against whom the execution has been executed, was totally ignorant of any process being against him.'—'Are parties who have obtained judgment at Quarter-sessions enabled to levy execution in their own person? They are.'—'Is that practice attended with inconvenience? With great inconvenience and oppression.'‡

* Evid. Comm. 341.

† Ib. 58.

‡ Ib. 628.

§ Ib. Session 1824, 379.

Mr O'Connell—' The Civil Bill Jurisdiction which takes away the trial by jury, takes away the value of character, and gives a tendency to flippancy of swearing.'—' The number of cases is in itself a great evil.'—' Decrees are obtained without a service of civil bill process at all, and very many decrees; on such a decree the person obtaining it makes the distress, and sells the goods before there is a possibility of discovering the fraud.'—' The phrase of *stealing a decree* is perfectly understood. I know a flagrant instance; there was a tenant of mine, who had four milch cows; he got a typhus fever, which extended to his wife and children; while he was lying in that state two decrees were stolen upon him; every article he had in the world was sold, and he was reduced to complete beggary. *The man did not owe a shilling!* When a complaint was made to me of this, I found it impossible to institute a prosecution with success.'—' As to the mode of proceeding in the civil bill court, the hurry is excessive; it is impossible to have any thing more undignified or unlike a court of justice in general than the civil bill court; there are two or three attorneys talking to their clients on every side; they are taking their instructions and examining their witnesses for the next cause, while the cause is going on. There is a great deal of vehemence of character about the Irish; the plaintiff and defendant, and their wives and their witnesses, are all bawling, at the same time the attorney is screaming. There is no poetry in saying that Justice is frightened away. *Six thousand cases have been decided in a week!* The circumstance of the assistant barristers being also practising barristers, ought not to be allowed to exist.'—' My own abstract opinion is, that the evil of serving process for the recovery of small debts and the necessary increase of oaths, is much greater than any that would occur if they were *irrecoverable*. I believe few small debts would be unpaid if there was no legal process; for no one would get credit but a man who had a character for punctuality.'—' I think it would be better if the assistant barristers were lessened in number, and increased, *much*, in salary; that they went stated circuits, and that they tried every question by jury.'*—' The assistant barristers try all questions of fact as well as of law *themselves*; that affords great facility for multiplying the number of cases, and vitious litigation. The assistant barrister thus deciding alone on civil cases, cannot possibly view the shades and gradations of character.'—' I have a great reverence for the trial by jury in this particular, that it has a tendency to increase the value of character. The practice of the civil bill court has introduced a most frightful extent of perjury, and tends extremely to demoralise the Irish people.'†

General Bourke—' The manner in which the business is carried on in the Civil Bill Court of the Quarter-sessions appears to be one of the most extraordinary confusion. I believe that in the county of Limerick, it is as well conducted as in most counties in Ireland, and

* Evid. Com. 56.

† Evid. Lords, 126.

even there, it is a scene of most extraordinary confusion. '—The oath is administered in a very irregular and improper way: it is very often administered, not by the court, but by attorneys: I have seen that myself, and I think the confusion and uncertainty which attend the proceedings of this court have tended to bring the administration of justice in Ireland very much into contempt.' *

Mr De La Cour—'The sittings of the Quarter-sessions are too early and too late; they sit so early as six o'clock in the morning, and so late as eleven o'clock at night. It appears to me that the business ought to be conducted with more coolness, and in a manner not so distressing to the suitors or to the attendants, the attorneys and the parties.' †

The numerous defects of the Civil Bill Courts which are mentioned in these extracts, call for immediate reformation. It is obvious that something should be done to compel the assistant barristers to sit at seasonable hours; but in order to do this, and also to enable them to give sufficient time to their business, a considerable change should be made in the office. What that should be, is suggested in the Evidence, namely, to have the barristers go circuits. And in place of having a barrister for each county, two barristers to go circuit through four counties, and to have the salaries that are now paid to four. We differ, however, from those witnesses who would prevent the assisting barristers from practising in the courts in Dublin. The inconveniences that are said to arise from it are nothing, in our opinion, in comparison with the injury which the administration of justice would suffer, by depriving these barristers of the means of extending or keeping up their legal knowledge, and of forming dignified and independent habits. We think Colonel Rochfort takes the right view of the subject in his Evidence.

'Have you ever considered the project of preventing assistant barristers from practising in the Courts of Dublin? I should rather think it advantageous for the assistant barristers to practise in the courts of Dublin. It keeps up their knowledge of the law; and it keeps up their respectability with the Magistrates and the public in the country. There may be some inconveniences occasionally arising from their being in a hurry to get back; but, on the other hand, there is an advantage derived from their being of a superior class of barristers, and capable of deciding the business quickly.' ‡

As to Juries, we quite concur in opinion with Mr O'Connell. The plea, that it would be impossible to get through the cases if each was to go to a Jury, we consider as good for nothing:

* Evid. Com. 328.
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† Ib. 550.

‡ Ib. 451.

litigation, and a most frightful source of perjury. I know of no one advantage to be derived from them.' *

General Bourke—' I have never been present at any manor courts, but I hear nothing can be much worse. I know one seneschal not very far from me, who is certainly not a fit person to administer the law.' †

Mr M. Barrington—' There would be no inconvenience to the public in the abolition of manor courts; they are a great source of perjury. There is one manor in the county of Clare, that is in extent nearly over the whole county; the seneschal there, I understand, travels from public house to public house, and holds his court in that way.' ‡

Mr J. Godley—' I do not think the manor courts of any use; I should wish to see them abolished.' §

Courts of Conscience.—Mr O'Connell—' The courts of conscience (held by magistrates of corporations) are excessively injurious.' ||—' They set at defiance, certainly, every notion of conscience; they are considered as the worst receptacles of perjury; they (the Magistrates) derive considerable emoluments from that miserable species of litigation.' ¶—' The evils of the civil bill courts are nothing in point of perjury and every abomination, compared with the evils of the petty courts in corporate towns and boroughs. In regard to them, no second opinion can exist among all persons who have no private interest in them, respecting the expediency of immediately abolishing them; they serve only as handles for corruption and oppression, and are a perfect mockery of justice.' **

The Magistracy.—This forms a most important head of examination. The evidence is full of the iniquities that have been practised by the Magistrates of Ireland; and it is the more necessary to take particular notice of them, because their existence has been so vehemently denied on all occasions when the conduct of the magistrates has been attacked. Even in the last Session of Parliament, when a question arose respecting the Irish Magistrates, not one member merely, but several members, stood up in their places and broadly asserted that nothing could be purer than the administration of justice in their hands!

We shall arrange the extracts we propose to give of the evidence, so as to show, 1. The abuses that have been practised; 2. The nature and effect of the remedy which has been applied by Government; 3. What reformation is still wanting.

The Marquis of Westmeath—' Improper appointments have crept into the magistracy to a great extent. Persons have been appointed

* Evid. Com. 56.

† Ib. 319.

‡ Ib. 578.

§ Ib. 740.

|| Ib. 56.

¶ Evid. Lords, 133.

** Evid. Com. 56.

who were not capable of executing the duties, or of understanding what the laws are. *

Mr W. R. Becker—'I think the way in which magistrates did their duty, and the description of persons that held the office, contributed to bring the law into disrepute and dislike.'—'It was no uncommon thing, when a *friend* had incurred a penalty, to remit the fine to him, and to levy a penalty strictly against *another*, merely because he was an object of dislike.'—'In short, I think, *there was any thing but impartiality and fair dealing* among the magistrates.'—'I think the appointment of such persons is to be attributed in a great degree to electioneering causes.' †

Major Warburton—'A female was carried off from the Shannon by a magistrate, and put on board a ship, which was actually under sail for America, and was sent to America by him, *without any legal proceeding*.' ‡

Major Wilcox—'I think in some instances, the improper conduct of Justices was a main cause of the spirit of insurrection.'—'Did you ever hear of any case of a Justice of the Peace being concerned in illicit distillation? I did.'—'What improper acts did the magistrates commit? They took presents *and bribes*; they took bail when other magistrates refused; they took cross-examinations where other informations had been taken before other magistrates; they issued warrants against the complaining party in the first instance, at the suggestion of the party complained against.' §—'Was there a complaint with regard to the system of fees? Yes: I did hear that some magistrates took fees, and took them in kind.'—'Will you explain what you mean by taking fees in kind? Getting their turf drawn home and other things.'—'Any thing else? Assisting in planting potatoes, and things of that kind.' ||

The Reverend Michael Collins—'You have alluded to the general impression, that justice was not fairly administered; do you allude to the conduct of magistrates generally throughout the country? Yes.'—'Can you state any instances? I do know several instances. I have known magistrates who had no other visible mode of support but *the trade* they carried on *as magistrates*.'—'Do you mean taking fees? *Receiving presents* to a large amount; having their work done; presents of potatoes, corn, cattle, and presents of *money* too.'—'Having potatoes dug for them? Having potatoes dug for them, their turf cut, and their other work done.'—'Were these matters notorious? *As notorious as the noon-day sun*.'—'Is there any delicacy on the part of the magistrates in interfering with respect to complaints made by the tenants of other gentlemen against their landlords? If the person of whom the complaint was made ranked as a gentleman, the magistracy often decline interfering, because

* Evid. Lords, Session 1824, 228.

† Ibid. 137.

‡ Evid. Lords, Session 1824, 79.

§ Ibid. 50. 54.

|| Evid. Com. Sess. 1824, 109.

‘it would lead to personal results.’ *—‘Do the common people look to the law in going before magistrates, or to their interest with the magistrate? To their interest with the magistrate.’—‘In fact, have not the magistrates established a law of their own? The impression on the minds of the people is, that there was no law but the will of the magistrate: in fact, they were obliged to put themselves under their patronage, like the old *Patroni et Clientes* of the Romans.’ †

Mr J. O. Drischol—‘Have abuses existed in the part of the country you are acquainted with to any extent on the part of the magistrates? There have been several in that part of the country who were of the class of *trading magistrates*, as they have been called.’—‘What is the meaning of that expression, trading magistrates? They are magistrates who are understood to *sell justice*, who administer justice favourably to the party who *pays them best*.’—‘Which is a matter notorious in the country? It is *perfectly notorious*.’—‘Is that a common phrase, “trading magistrates?” It is a common phrase in the country.’—‘In what way, what are the particular practices which acquired this character for the magistrates? When any case is brought for decision before a magistrate of that sort, it is understood that the parties go before hand to the magistrate, and *tell their story, and OFFER THEIR BRIBE*; and there have also been magistrates who have certain clans in the country, whom they support on various occasions, whether they be right or wrong. †

Mr O’Connell—‘Are you acquainted with the manner in which justice has been administered by the magistrates throughout the south of Ireland?—I think I am; it has made a very unfavourable impression on my mind. The mode of administering the criminal law by the magistrates has been very bad. There was a great flippancy in sending persons to trial upon informations sworn to without due examination. Great abuses have prevailed in regard to summonses to attend magistrates. I have known an absentee clergyman get summonses from two magistrates who resided 19 miles from a farm, and the people summoned to go with their witnesses; and as soon as it was found that they had their witnesses, and were ready for the cause, the magistrates have at once adjourned the court for a week. These two magistrates were certainly very singularly circumstanced, for one of them is in the depôt for *transported convicts*, and the other I saw discharged as *an insolvent* the other day.’—‘The magistrates, taken altogether, have not that feeling that men ought to have who hold any species of judicial station; there is not the generous sentiment of the abhorrence of wrong and oppression among the class of men who are magistrates in Ireland, which there ought to be.’—‘It is a convenient thing for a man to have the commission of the peace, as he can make those he dislikes fear him, and he can favour his friends; a great deal of that pre-

* Evid. Com. Sess. 1824, 336.

† Ib. 376.

‡ Ib. 383.

vails, and must necessarily prevail, in a state of society such as subsists in Ireland.'—'Complaints professionally constantly come before the courts of the mode of inflicting fines for various offences; and we have reason to believe the complaints are well founded, though it is almost impossible to procure redress for them.'—'The lower class of the people conceive that it is not the justice of the case that is to decide it before the magistrates, but the person who has most favour and interest; and the moment they have any thing to be decided, they ransack the entire neighbourhood to get letters of recommendation to the magistrates.'—'It is familiar in belief, and I have no doubt of it, that the magistrates have received many and various articles; and where money could not be given, eggs, and butter, and fowls, and presents of various kinds; free labour when the people can give nothing else. Immorality prevails when females are interested. Complaints have been made that they purchase favours, in a mode which is not difficult to be understood.' *

General Bourke—'The system of taking fees was very general amongst the lower description of magistrates. Not only were fees taken upon all business, but *presents* were received of various kinds, and labour was required from persons whom they patronized. I have seen a letter written by a magistrate to the head of a faction, in which he desired him to dig the potatoes of a third person, because he (the magistrate) wanted to take that third person to the mountains with him to shoot. Summonses, requiring the attendance of persons from very considerable distances, were issued, to the great annoyance of the people. There were some Magistrates who issued those summonses in all directions. Search-warrants were issued without any investigation as to the reason; they were granted on hearsay or belief, and generally to search a whole district, to the great annoyance of the inhabitants.' †

Mr R. M'Donald—'Were the magistrates in the habit of taking presents upon any occasion?—I believe that is very general—fowls, fish, potteen, work, and other matters; some of them got their turf cut, their corn cut, and other agricultural operations executed in this way.' ‡

Having thus shown the true character and conduct of those who have been hitherto so improperly termed *unpaid* Magistrates, we will next examine what the value is of the measures which Government two years ago adopted, of depriving some of these worthy and disinterested persons of the commission of the peace, and of recommending by the Judges on Circuit the holding of petty sessions.

The Marquis of Westmeath—'Have such improper magistrates been removed?—No; not that I know of.'—'I conceive there are

* Evid. Com. 60.

† Ib. 325.

‡ Ib. 758.

magistrates in the Commission of the county of Westmeath who are not fit persons, not qualified. * †

Mr Beecher—'Are there still any of those improper magistrates in the Commission?—Some of them.' †

Mr J. Dunn—'More revision would, I think, put the matter on a right footing.' †

Mr Newenham—'Are all the inefficient magistrates removed?—I cannot take upon me to say that.' §

Mr O'Connell—'The mode of administering the criminal law by the magistrates continues (though the Petty Sessions have given some improvement) to be, in my judgment, bad.'—'The revision struck out *some very bad men*; it *left in several*; and it was used occasionally to deprive of the Commission of the Peace *most excellent men* without any cause. It was *particularly severe upon the Catholic Magistrates.*' ||—'In particular counties, the revision was more according to religion than misconduct; in the county of Cork, 18 out of 21 Catholics were struck out!—'The best means were not taken to ascertain who were fit magistrates and who were not.' ¶

General Bourke—'In the revision of the Magistracy which lately took place, it clearly appeared that the Lord Chancellor *had not been well informed* of the character and conduct of the Magistrates of the county of Limerick. There were, it is true, some objectionable persons removed; but there were others removed who were *not objectionable*, and who were afterwards very properly restored; and there were also some restored who were perhaps amongst the *most objectionable* of those who had been removed.'—'Do you consider the revision as being complete? I do not.'—'Do you consider there are still in the commission persons who ought never to have been appointed? I think there are.'—'Were any persons re-appointed who had been notoriously in the habit of *taking fees*? I think there were.' **—'There are several persons now in the Commission of the Peace in the county of Limerick whom the Sheriff would not place on the Grand Jury.'—'The revision has not gone the length it ought.' ††

Colonel Rochfort—'Do you think the revision extended so far as it might with advantage? I think not.' ††

Mr R. Macdonald—'Are there amongst the Magistrates any not worth 300*l.* a year?—Several not worth two; some not worth 100*l.* a year. I doubt whether some of them have any certain property at all. Some are subaltern officers in the militia.' §§

These extracts make out an unanswerable case against the sufficiency of the late reformation in the Magistracy. Num-

* Evid. Lords, Sess. 1824. 229.

† Evid Com. Sess. 1824. 137.

‡ Ib. 243.

§ Ib. 187.

|| Ib. 60.

¶ Evid. Lords, 132.

** Evid. Com. 324.

†† Evid. Lords, 172.

‡‡ Evid. Com. 449.

• §§ Ib. 752.

bers of improper persons have been left in the Commission; many good magistrates removed, and several very bad ones, after being removed, have been restored. In short, seeing from the evidence what the magistrates were before the revision, and seeing how ineffectual that revision has been, it is impossible to doubt that there are at this moment a great many persons exercising the powers of a Justice of the Peace, who have all their lives been practising the grossest abuses.

As to the Petty Sessions, the public have no security that the magistrates will continue to attend them, and abstain from their old habits of hall-door justice. Nothing but the immediate influence of Lord Wellesley's administration has forced them to go right; and there is every reason therefore to fear that they will relapse into their former courses, the moment a less pure Government sets them free from restraint. The following evidence suggests some plans for reforming the Magistracy.

The Marquis of Westmeath—'I conceive it would be useful if the magistrates were compelled to assemble at Petty Sessions, and to leave off hall-door justice.' *

The Duke of Leinster—'I think if there were Lord Lieutenants appointed as in England, it would be a good measure. There are very often reports sent up to Government, and we cannot find from whom they go. I am at present the Governor and Custos Rotulorum of the county of Kildare, but I have nothing to say to it.' †

Mr Blackburne, K. C.—'I have always felt, since I went to the county of Limerick, that an authoritative medium of communication between the Government and the county, that is, a head of a county, would be one of the most essential means for the preservation of the public peace.'—'Do you allude to such a head of the county government as the English Lords Lieutenants? Yes.' ‡

Mr Justice Day—'Do not inconveniences arise from the want of a head of a county to communicate with Government? I think a good deal.'—'Would not the institution of the office of Lord Lieutenant in the counties of Ireland be of service in the general administration of the laws, and in carrying on the communications between the counties and the seat of Government? Upon my word, I rather think it would.' §

General Bourke—'I am convinced a new organization of the magistracy and county authorities is absolutely necessary. I feel convinced that very considerable inconvenience has arisen from the want of some accredited person, through whom recommendations to the Lord Chancellor for the appointment of magistrates might be

* Evid. Lords, Scss. 1824, 231.

† Ib. 235.

‡ Evid. Com. Sess. 1824, 38.

§ Ib. 256.

made. I see no reason why the English system of Lords Lieutenant of counties should not be adopted. I believe a considerable deal of trouble is given to Government at present, from the want of having some official person with whom to communicate on county business. Every magistrate that pleases enters into correspondence with the Lord Lieutenant, or with the Chief Secretary. It frequently happens, also, that through these channels reports not sufficiently founded in fact are forwarded to Government. That class of magistrates who have some interested view, are the persons chiefly corresponding with Government. — ‘If the plan you have suggested of appointing Lords Lieutenants of counties was adopted, would it not be desirable that all existing commissions of the peace should be withdrawn, and the magistrates in each county appointed *de novo*, under the superintendence and opinion of the Lords Lieutenant? I think that would be a very desirable way; probably the only effectual way of establishing a truly respectable magistracy.’ — ‘Do you conceive it possible, under the circumstances of difficulty that necessarily belong to the removal of magistrates, that such a complete revision could take place as is desirable by any other means? I believe not.’ — ‘Do you not know many most respectable country gentlemen who have *refused* to become magistrates, in consequence of the low class of persons who are included in the commission of the peace? I do; I believe that has been *generally* the case.’ *

‘The mischief consists in the recommendations to the Chancellor not being made public. If they were publicly made by some responsible official persons, it is quite impossible that this class of persons could have crept into the magistracy. It is the secrecy which attends the recommendations that enables persons interested to accomplish their object.’ †

Colonel Rochfort—‘From your acquaintance, generally, with the state of Ireland, if the magistracy were purified to the extent it ought to be, would there be as many magistrates remaining as would be wanting for the purpose of administering justice? I think not, in some parts of the country.’ — ‘In what way then would you propose that the business of administering justice should be accomplished? I think in such cases there might be a power given to appoint an assessor, or some such person of that description, who might, when there was a deficiency of magistrates, attend and hold regular petty sessions, going a little circuit within the district where it was thought necessary.’ — ‘Would you propose to have the assessor of the same description of persons as the police magistrates that are now employed? No; I should rather have a person who had been at the Bar.’ ‡

Mr O’Connell—‘I think no man ought to be a magistrate who

* Evid. Com. 334.

† Evid. Lords, 173.

‡ Evid. Com. 449.

had not 500*l.* a year; it would certainly be an improvement to have a qualification.*

Having recently discussed, and very much at length, the state of the Irish Magistracy in the 82d Number of this work, † we should only have to repeat what we have there said, were we now to go at large into it. We are much gratified to find, that all the facts and arguments we then advanced are so amply confirmed by the evidence; and when we see such persons as the Duke of Leinster, the Marquis of Westmeath, Mr Justice Day, Mr Blackburn, and General Bourke, persons so intimately acquainted with the circumstances of Ireland, so strongly recommending the measure of appointing Lords Lieutenants of counties, we are much astonished that Government should hesitate a moment to act upon their opinion. But whenever this step shall be taken, in order to give it full effect, by getting rid of all bad magistrates, another measure, which is suggested in the examination of General Bourke, should be made to accompany it, namely, the withdrawing all the existing commissioners of the peace; for we are convinced, that the existing embodied phalanx of corrupt and oppressive magistrates can never be purified by piecemeal; and that nothing but beginning with a sweeping measure of dismissing the whole of them, can be productive of a satisfactory reformation.

We are aware, that if this measure were adopted, and if no person were hereafter appointed a magistrate except he was in every respect fit for the office, there would not at first be a sufficient number of magistrates to execute the public business: But of all remedies for the difficulty, the employing of men not qualified in any way to exercise so much power, is beyond all question the worst. The plan which Colonel Rochfort suggests is, in our opinion, the best,—namely, the appointing of barristers, with salaries, to act as assessors to the magistrates. In a country such as Ireland is, after the experiment has been tried with such bad effects, of administering justice by what is called an unpaid magistracy—meaning truly a magistracy which is paid by bribery and extortion—no magistrate should be allowed to act except when associated with a Barrister at Petty Sessions. If so decided and sweeping a reform were once adopted, the administration of the laws would be every where certain and satisfactory; the people would be relieved from the most odious oppressions; and when they saw the decisions of the petty sessions guided by the rules of justice, and controlled by the influence of knowledge and professional men, they would soon come to comprehend the value of the laws, and to love and

* Evid. Lords, 133.

† Page 369. &c.

respect them accordingly. These are public objects of such vast importance, that no kind of attention should be paid to the objections that may be urged to the plan of employing paid magistrates, on the ground that the country gentlemen would feel their dignity offended, and would refuse to act with them. Let them be put to the trial. If they do refuse, the public will after all sustain no great injury—for the Barrister will contrive to execute the business, as a Sheriff-substitute does in Scotland, just as effectually without their interference.

Corporation Magistrates.—Mr Justice Day says, ‘The magistrates acting under charters are not controlled by the Chancellor; they have no apprehension or fear of that kind. I have known the corporate magistrates behave in an extremely reprehensible manner. The people have no confidence at all in them; there has been a great abuse by them of magisterial power.’ *

Major Wilcox—‘Are you to be understood generally, that you entertain a belief that the magistrates of the city of Limerick have been biassed in their magisterial capacity by party matters? I have heard it, and I believe it.’ †

Mr De La Cour—‘Have you heard of a system of fees prevailing to a considerable extent amongst the magistrates acting under charters? I have heard of that.’—‘Do you believe it would be an improvement in the administration of the laws, were the Crown authorized to appoint Justices of Peace within cities and towns corporate? I should think it a great improvement.’ ‡

Mr O’Connell—‘There is no question as to the insolvency of several of the Corporation Magistrates.’—‘Are you acquainted with the administration of justice by the Magistrates of corporate towns? It is extremely complained of in both civil and criminal matters.’—‘They have all the functions of magistracy to perform in criminal jurisdiction? There are many complaints of their proceedings, and a good deal of apprehension and complaint with respect to differences of religion. I have known most outrageous instances of misconduct in corporate magistrates. In the town of Tralee, there was a Provost who was understood to have a regular scale of money, for which he bailed any offence whatever. He was five or six years, or more, in the office of Provost; committing every species of nuisance; bailing most improperly at the rate of ten guineas for a capital felony of an atrocious kind; five guineas for a minor offence.’—‘They are not removeable by any process, but that which arises out of the King’s Bench?’—‘By what are called the New Rules and Regulations under 17th and 18th Cha. II. the previous approval by the Lord Lieutenant, is necessary to the appointment of a corporation magistrate in thirty-two corporations.’ §

* Evid. Com. Sess. 1824, 251.

† Ib. 572.

‡ Ib. Sess. 1824, 56.

§ Evid. Lords, 133.

This evidence proves the necessity of a total change in the system. In Dublin, the powers of the Corporation have been taken away, and police-offices have been established; in each of which, besides two magistrates, being members of the corporation, the Lord Lieutenant appoints a barrister—all with salaries. These offices give general satisfaction, and afford further proofs of the benefit of bringing forward professional aid to the magistracy. The proper remedy, therefore, for the abuses in the other corporate towns, is to establish similar offices. In small towns, where the business would be light, the police barrister might also act as assessor to the county magistrates.

Executive Government.—We entered so fully into the question of the policy of maintaining a separate Executive Government in Ireland in our 82d Number, * that it is unnecessary now to say more than merely to express our regret, that no progress has been made towards getting rid of it. The measures which Parliament has of late taken for establishing a general assimilation of practice between England and Ireland, in regard to matters of trade, revenue, currency, and weights and measures, are so many new reasons for urging this final measure of uniting all official administration under one supreme undivided authority. Already the whole of the military concerns of Ireland are transacted at Whitehall; and the whole of the Treasury, of the Customs, and of the Excise business, is under the management of the London Boards; so that, in point of fact, all the Lord Lieutenant has to do, in his public capacity, is as *Chief Officer of the Irish Police*. But if Lords Lieutenants of counties were appointed, whose duty it would be, on all occasions of disturbance, to assemble the magistrates, and attend in person along with them, and to make reports directly to a Secretary of State for Ireland resident in London, even this police business would be infinitely better done than it ever has been, by jobbing partisan magistrates reporting to the Castle of Dublin.

If there was a Secretary of State for Ireland, with a seat in the Cabinet, in place of a Lord Lieutenant, there would be an end to the preposterous plea of the General Government not being responsible for the management of that country, on the ground of its being placed under the charge of a Lord Lieutenant. All matters relating to Ireland would be fully and impartially discussed by the whole Cabinet, and the most important public measures would cease to be influenced by local considerations, and a ruinous system of favouritism.

Church Establishment and Tithes.—We have but a word to say on this subject—considered as mere matter of fact and finance. We find in the evidence of no less an authority than Mr Leslie Foster, that the annual income which is derived from tithes in Ireland by the parochial clergy, amounts to 600,000*l.*; and that they possess, in addition to this, 83,000 acres of glebe land, worth, on an average, 1*l.* per acre. We also find, in the same evidence, that the estates of the Bishops consist of 617,598 Irish acres, which are equal to about 990,000 English acres.*

If we take the average income of the twenty-two Irish Bishops at so low a rate as 10,000*l.*, the account of the charge, at this very moderate estimate, for the support of the Established Clergy, will be as follows:—

Received from tithes by the parochial clergy, per annum,	.	.	L. 600,000
Received from glebe lands	do.	do.	83,000
22 Bishops, at 10,000 <i>l.</i> each,		do.	220,000
			<hr/>
			L. 903,000

Now, holding the communicants with the Church of England at 871,000, according to the calculation founded on the returns of the number of children of the Established Church that appear to be in a course of education by the Education Report, this charge amounts to something more than 1*l.* per head.

Let us now see what the Presbyterian clergy of the Synod of Ulster receive. The Reverend Henry Cooke, moderator of the Synod, states, that the number of Presbyterian ministers in the synod is 186, consisting of 3 classes, of 62 congregations in each class; that the first class receives out of the *regium donum* 100*l.* a year, the second class 75*l.* a year, and the third class 50*l.* a year; and he also says, that this makes about half of their whole incomes.† So that the average income of the 186 ministers is 150*l.*, making 11,160*l.* per annum.

Now, according to calculations made upon the same principles as above, there are 461,664 Presbyterians in Ireland; and deducting one fourth as not belonging to the Synod of Ulster, there will remain 346,248; and 11,160*l.* a year divided amongst so many, will make a charge of *eightpence* a head for the maintenance of the Presbyterian clergy,—or just a *thirtieth part* of what is required for the support of their Protestant brethren of the Establishment.

Landlord and Tenant.—So much in Ireland depends on agri-

* Evid. Lords, 75.

† Ib. 349. (Lords' Copy.)

culture, and all classes are so generally engaged in it, that the laws relating to landlords and tenants deserve very peculiar consideration. That something is wrong in them, is quite clear from the dreadful acts of oppression that are inflicted upon the lower orders by the power of distraining for rent, while the landlords are at the same time great sufferers from the want of proper means to secure the payment of rent. We shall divide the extracts from the Evidence, on this subject, under the following heads:—1. Ejectments. 2. Levying distress. 3. Non-alienation clauses.

1. *Ejectments.* Lord Carberry—‘It is an extremely difficult thing for a landlord to get possession of his land, a matter of long legal process. I have very often, besides forgiving arrears, paid down sums of money to tenants, sooner than have a difficulty even after the law has taken its course.’—‘Nothing is more common than for tenants to commit waste; destroying improvements; pulling down houses; taking away the roofs of them; destroying fences; in short, deteriorating the premises in every way they can, when they are about to leave them. I never could ascertain whether there was any summary way in which these practices could be restrained.’—‘I have asked a lawyer of eminence, how long a tenant who pays rent above 50% a year, may keep a landlord out of possession; and he told me, a dexterous tenant, with a good attorney, might keep his landlord out of possession eighteen months.’—‘There is a grievance in the case of landlords, that, pending the ejectment, valuable improvements, timber and other things may be destroyed by the tenant, without the landlord having the slightest power to prevent it; as he cannot do any possessory act during the ejectment.’—‘The courts should have a power to direct that security should be given by the person who takes defence to an ejectment, to secure the rent that should accrue, and to guard against any waste committed during the interval of the court proceeding to judgment.’ *

The Marquis of Westmeath—‘Do you conceive much evil results in Ireland from the state of the law of landlord and tenant? It is requisite that the head landlord, in case his rent is withheld for a year, as the law stands in Ireland, should sue out a process of ejectment, and that each individual person occupying any part of the lands should be served with a notice of ejectment. The law of England, I believe, is, that a process of ejectment may be sued out where six months rent is due; in Ireland it cannot be until there is a year’s rent due; and, what with the difficulty of obtaining the names of all the occupiers, and performing strictly all the requisites that are positively necessary for this purpose, I conceive that, in many instances, it amounts to deprivation to the proprietor of his estate. In the county of Roscommon, at this instant, speaking of a case personal to myself, many hundred persons are kept in a state of misery

on an estate belonging to me, by the state of the law, whereby I am completely prevented from performing the requisites for ejecting the head tenants. Proprietors in many instances have nothing to do with their estates.' *

In respect to actions of ejectment in the Civil Bill Courts, Mr O'Connell says, 'I have known cases where men were voted to be absenting, that really were not. I consider the act in that respect as being liable to abuse.' †

Mr Hugh Wallace—'In the superior courts, when an ejectment is brought, and there is not any defence to it, judgment and execution are obtained by default, without any proof save an affidavit of service of ejectment, and in rent cases an affidavit of the rent due. At the Quarter-sessions it is necessary to prove the case, although no defence be taken, which, on account of the expense of witnesses, often makes the expense of the Sessions come to as much as that of proceeding in the Superior Courts.'—'According to the form of process given by the Ejectment Act, there can be only one title set out on the part of the plaintiff; inconveniences have arisen to the proprietors of extensive estates in consequence of this.' ‡

2. *Levying Distress*.—Colonel Currey—'What is the principal employment of the person who is called a Driver?—To distrain, when it may be necessary. The names of driving and distraining are synonymous in Ireland.'—'The process of driving cattle to the pound is so frequent and ordinary, that that person is called a driver in consequence? Exactly so.' §

Mr R. M'Donnell—'Are you acquainted with the system of taking distress and the conduct of drivers? There is no person who has resided in the country that must not be more or less acquainted with it; it comes under observation every day. It is not confined to one or two days in the year; it continues from one end of the year to the other; you seldom see a pound empty.'—'Is the power that is vested in these drivers abused? I conceive their conduct is *contrary to law in most instances*, and that of course their power is greatly abused. In general, the pound keepers are drivers themselves. No regard is paid to the distance or the parish in which the distress is levied; they drive cattle through different parishes to their own pounds. The distress is levied without any regular power or authority as required by law. The sale is imperfectly, or not at all, advertized; and very seldom, if ever, made by a licensed auctioneer; there are instances of persons having accumulated property by purchasing up distresses at an under value, next to nothing.'—'Have you ever known drivers administer oaths to secure the payment of rent? The usual practice is to drive the cattle to the pound in the first instance; then the owner comes, and induces the pound-keeper or driver, by drink or some other bribe, to let him have the cattle;

* Evid. Lords, Session 1824, 229. † Evid. Com. 53.

‡ Evid. Com. 162.

§ Ib. 305.

on liberating which, an oath is required and administered to the driver, that he shall replace the cattle on a certain day. *

Mr Alexander Nimmo—'I conceive there exists no check in the power of distraining. It appears to me that, under the colour of law, the landlord may convert that power to any purpose he pleases; the consequence is, that when he wishes, he can extract from the peasant every shilling beyond bare existence which can be procured from the land. The lower orders of the peasantry can never acquire anything like property; the landlord comes and seizes the cow of the actual occupier, the bed, and the potatoes in the ground, and every thing he has. I have known a cow sold for a few shillings; nobody would bid, and the driver bought it himself.'—'In the county of Kerry we were going to build a wall for the fishing board; and a landlord, without doing any thing that was thought out of the way, obliged the people to work, by threat of driving them, at 8d. a day. I could bring other instances.' †—'I have always understood, that the remedies given by the law, were so extremely difficult of attainment by a poor tenant, that they were, to all practical purposes, as bad as if they did not exist.' ‡—'A quantity of potatoes that were sent over by the charitable committes from England to Galway as seed potatoes, in the great distress, having been distributed in that neighbourhood, there were some of them seized in a man's house for rent, and sold in the market of Tuam by the agent of a resident proprietor in fee.' §

3. *Non-alienation and other clauses.*—Mr George Bonnett, K. C.—'Has there been a general prejudice in Ireland against landlords bringing actions on covenants against underletting? I think there has.'—'Have such covenants been inoperative? I think they have; I think the tenants have not regarded them, and in general the landlords have not enforced them. These covenants are construed very strictly by the courts of law; the law leans against them as much as possible; it is a principle of law to do so; the law leans in favour of waivers of covenants, such as accepting rent after the breach of the covenant.' ||

Mr M. Blacker, K. C.—'In actions brought by landlords on covenants against underletting, the leaning of juries is against him.'—'Very little evidence weighs with them; they consider very light circumstances as evidence of an assent to it, and a waiver.' ¶

Mr W. H. Newenham—'I have often wished in granting leases to put a non-alienation clause, for the purpose of having no one between me and my tenant. I have found it next to an impossibility to get that clause carried into effect. The solicitor has told me it was of no use, for the court never give it effect; that the juries are many of them middlemen, and they would be deciding against themselves.' **

Doctor Church—'Is it the practice to bring actions upon cove-

* Evid. Com. 745. † Evid. Lords, Session 1824, 132. ‡ Ib. 163.
§ Ib. 159. || Ib. 67. ¶ Ib. 72. ** Ib. 189.

nants against alienation? No, I do not think it is; because when the juries have it in their power to find for the tenant, they generally do.' *

Lord Carberry—' I have had non-alienation clauses in all my leases, but I have never ventured to act upon them. I have despaired of being able to accomplish any thing. There seems to be a general disposition in juries not to find for landlords suing under such covenants.' †

Mr J. Dogherty, K. C.—' Have many suits arisen from landlords endeavouring to enforce non-alienation clauses in their leases? I do not think that causes of that kind have, as frequently as might have been supposed, been brought into court: For though it has been a subject much complained of, the landlords in general have not been successful in recovering, and I think have rather abandoned the legal remedies.' ‡

Mr A. R. Blake—' Have the goodness to state to the Committee such alterations in the existing laws as appear to you to be fit for putting a stop to the practice of subletting land in Ireland?—The practice of subletting is favoured by the policy of the law, and considerable difficulty is found in enforcing covenants against it; this difficulty is particularly felt through the effect of the constructive waivers of such covenants. With respect, therefore, to leases in which there are covenants against underletting, I should provide by act of Parliament, that no act whatever done by the landlord should be a constructive waiver, and that the person underletting contrary to the covenant should be without remedy for enforcing rent from the subtenant. I should further recommend that in future all assignments and underlettings, whether there be a covenant in the lease or not, should be prevented by act of Parliament, unless the landlord be a party to them.'—' As a great extent of subdivision is carried on in Ireland by leaving lands by will to the children of the occupier of the land, would you propose any alteration of the law to check that practice?—I should certainly recommend that all lessees should be prevented from making any disposition of their property, so as to divide it into parts without the consent of the landlord, whether by will, by deed, or otherwise.' §

The Rev. Mr Duggan—' Do you see any prospect of the rate of increase of population being retarded?—I think it might be retarded in a great measure, and the public made more comfortable, if the landlord insisted on the tenant giving all his land to the eldest child, and keeping the tenement always the same.' ||

The most fervent opponent of innovation, on reading this description of the Irish law of landlord and tenant, must admit,

* Evid. Com. Session 1824, 435.

† Evid. Lords, 88.

|| Evid. Com. 214.

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† Evid. Com. 601.

§ Evid. Com. 742.

that a case is made out requiring a very considerable change in it. It is in vain to calculate upon improvement and prosperity under such a state of law; for it invades *in limine* the security which both landlord and tenant ought to have for their property. The landlord being, as it appears, often obliged to forgive large sums of rent, and even to pay his tenant money out of his pocket, to regain possession of his own land; and the tenant, as Mr Nimmo says, never being able to acquire property in consequence of the extortions he is exposed to, under the system of levying distress. It is to be hoped, then, that the evils thus mutually inflicted, and now brought to light on such unquestionable authority, will soon be put down by the beneficent authority of Parliament. We will not stop to explain what a good law on this subject ought to comprise; but content ourselves with saying, that its leading objects should be, to shorten and simplify the process of ejectment; to assimilate the law of levying distress in Ireland to the law of Scotland; and to give full powers to landlords to do what they please with their own property, and, in particular, to prevent it from being divided and subdivided amongst multitudes of people who have not a shilling of capital, and who are wholly unknown to them.

Population.—The census taken in 1821 affords what may be considered a sufficiently accurate return of the numbers of the people of Ireland at that time; but what is of equal importance to learn, is the rate at which the population of late years has increased, and is now increasing. Mr M'Culloch, in his evidence, refers to Dr Beaufort's enumeration of the people in 1791, and at the rate of 5 persons to a house, for the number of houses mentioned by Dr Beaufort, shows, that the population increased from 1791 to 1801, so as to double in 30 years. This calculation of Mr M'Culloch's is borne out by the following evidence.

Colonel Rochfort—'Could you form a conjecture as to the period in which the population may have doubled? I should think it has doubled within the last 25 years, upon a loose estimate.'—
'And that over an extensive district of country? Yes, over the whole country. I think more particularly on what were unimproved lands.' *

Doctor Church—'Do you think the population is going on increasing at this moment? Yes, almost incredibly; they marry very young.'—'In the course of ten or fifteen years, what must be the

* Evid. Com. 431.

state of the country? Upon my word, I cannot tell; I think I am under the mark when I say, in the last twenty years the population has doubled. '—' Looking forward to fifteen or twenty years, what must this increase of population, without employment, end in? I do not know. I think it is terrible to reflect upon. ' *

Mr J. M'Carty—' In what period of years do you think that the labouring population of Ireland has doubled in any district you are acquainted with? I should state, within a period of twenty-four years. ' †

Mr J. O'Driscoll—' Do you think the population is increasing? I think very fast. '—' Can you form an idea of the rate at which population has increased in any given number of years; can you say in what time it has doubled? I think in many parts of the country it has doubled within the last twenty-five years. ' ‡

The Rev. H. Cook—' Can you say, from your own knowledge, whether the population has increased in the districts you are acquainted with? The population has increased in every district I know in the north. '—' Can you say whether it has doubled in any particular number of years? I know that in the last 30 years 400 have become 700; I have in some town-lands counted the number of houses built within my own remembrance, (about 25 years), and I find them nearly doubled. ' §

With such evidence as this before us, so completely confirming the calculations of Mr M'Culloch, we have the strongest grounds for concluding, that the population of Ireland has doubled in the last 30 years; and, according to the most elementary principles of economical science, and the facts which have been collected respecting it by the ablest writers on the subject, we must believe farther, that the population of Ireland is at this moment increasing at the same rate.

This is a fact of most momentous importance. In a political point of view, it is particularly worthy of examination; for if the seven millions of Irish of 1821 shall become fourteen millions in 1851, while the population of England is increasing only at the rate of doubling in eighty years, || the population of Ireland, in 1851, will not be far short of that of England. ¶ Looking at the question as it affects the lower orders of Ireland, it presents nothing but what is most gloomy and terrific;

* Evid. Com. 437.

† Ib. 322.

‡ Ib. Sess. 1824—380.

§ Ib. 361.

|| Ib. 808.

¶ In 1821, the population of England and Wales was, by the census, 12 millions; at the rate of doubling in 80 years, it will be about 16 millions in 1851.

for in place of any prospect of their condition becoming better, it seems manifestly tending to become worse.

Mr J. Dunn—‘ Can you form any idea, taking the whole of the labouring class in a district, what would be the average earnings per day per man upon the whole year, taking into account what they receive for labour either by money or by land—how much a day would it make in your opinion? I have been turning it a good deal in my mind, and I think they would not make more than from fourpence to fivepence per day, one day with another: I mean those who are tolerably well employed: the others nothing like it.’ *

Mr R. Griffith—‘ Taking into consideration the whole of the labouring class, the work they get, and the payment they receive, can you value the day’s work as high as at fourpence through the year? I should doubt whether it is as much as fourpence: certainly not more.’ †

Mr J. Lawler—‘ Taking into consideration the number of labourers in any large district of country, and what is paid to them for their labour in a year, and dividing the amount paid, so as to see what each man would earn by the day, do you think it would amount to fourpence a day? Fourpence or fivepence a day.’—‘ Not more than that? No.’ ‡

Mr M’Culloch—‘ In order that the wages for labour in Ireland may be increased to any thing like what is sufficient to place the people in a good condition, to what degree must there be an alteration between the proportion of the supply of labour and capital? I do not know that I can answer that question. If I were to be asked, how much additional capital it would require to raise wages from one given amount to any other given amount, I should be able to give an answer.’—‘ Suppose instead of fourpence a day, it were considered necessary, in order to secure the object of placing them in a respectable and decent condition, that they should receive twelpence a day? I should think that, taking the population of Ireland at the present time at seven and a half millions, there may be about two millions of individuals fit for labour, of sixteen years of age, including 500,000 females, which in a country like Ireland might be supposed to be able to work at various sorts of labour; then you would require a capital of about 20 millions in order to give them eightpence a day of wages.’—‘ In addition to fourpence a day? Yes.’—‘ Why do you assume the population of Ireland to be 7½ millions? Because it was very nearly 7 millions in 1821; and I assume that it has been increasing at the same ratio since 1821, that it increased from 1810 to 1821.’—‘ When you mention a capital of 20 millions as necessary to be paid for wages of labour, in order to pay eightpence a day to each day-labourer, in addition to

* Evid. Com. Sess. 1824, 284.

† Ib. 236.

‡ Ib. 448.

what he now receives, you mean that amount of capital to be in addition to the present capital that is now applicable to the employment of the people? Undoubtedly.'—'The calculation is made upon the presumption that you are to increase the amount of daily wages received by each person from fourpence to twelpence a day? Precisely so.'—'In order that a deficient capital may be made into a sufficient one to employ a people, must it not increase faster than the rate at which the people are increasing? Undoubtedly; if the people and capital continue to march abreast, or to increase in the same ratio, there can be no rise of wages.'—'From what may be ascertained by experience in matters of this kind, what is the general rule upon this head that is laid down by persons acquainted with this branch of science, as to the tendency of capital to increase faster or slower in proportion to the tendency of population to increase? The commonly received opinion is, that the tendency of population is always to outrun the means of subsistence, or to increase faster than capital.'—'So that in regard to the improvement of the people of Ireland, the first difficulty to be overcome is, the general tendency of the people to increase faster than the tendency of capital to increase? Undoubtedly; to increase the proportion of capital to population, is the grand difficulty to be overcome in Ireland.'—'Until this difficulty is overcome, do you see any reasonable prospect of the condition of the people being likely to be improved? Not the least; it is quite impossible it can be improved, until the ratio of capital to population be increased.' *

In opposition to all this evidence, it is but fair, however, to add, that Mr John Leslie Foster, in giving evidence before the Committee of the House of Lords, said—

'The principle of dispeopling estates is going on to such a length that I have serious doubts whether at this time the population is on the whole continuing to increase; I should not be surprised if it should turn out, on inquiry, that it is decreasing.' †

This appears to us a very erroneous view of the subject. Mr Foster seems to have forgotten, 1. That turning a man off from an estate, is not taking away his life; 2. That the system which has prevailed in Ireland of granting long leases, deprives landlords of the opportunity of exercising their powers of turning off, except as leases fall in; and, 3. That although the higher class of landlords are discouraging subletting, the lower order of them, and the middlemen, have still an interest in continuing to sublet.

Mr M'Culloch—'Have you no reason to think that there have been causes at work in Ireland to prevent the increase of population going on in the same ratio it has done? No; I am not aware that

* Evid. Com. 810.

† Evid. Lords, 59

there have been any in operation.'—'Are you not aware that the practice of breaking up small farms, and consolidating large tracts, has had the effect of expelling the tenantry from many districts, and of course of destroying one of the causes of multiplication which have been adverted to? I know that has been acted upon to some extent; but I should not think it could have been acted upon to any such extent as to have already produced any material change in the habits of the people; they would go to villages or some other parts of the country.'—'Do you not think that for the three last years immediately past, that would have the effect of retarding the population? I do not think it would be felt so soon; it is not easy to change the habits of people with respect to population; such a change can only be the result of a long series of continued impressions.'—'In point of fact, is it not proved by experience, that the progressive increase of a people is not easily checked: and that although pestilence, famine, and other circumstances may for a time destroy great numbers, they each may occur without ultimately diminishing the population of a country? I should question whether pestilence ever permanently diminished the population of any country. A pestilence improves the condition of those who survive; it destroys a portion of the inhabitants without destroying any portion of the capital that employs them; consequently those that survive obtain higher wages, and there is a stimulus given to population, that generally fills up in a few years the blank which is occasioned by the pestilence.' *

The general healthiness of the people is described in the following evidence of Dr Church:

'Is there much sickness among the lower orders? No. I do not think there is now.'—'Do you find there is any thing like an increased degree of mortality amongst them in consequence of the greatly increased number of the people? No; I do not think there is, except in times of scarcity; in general they are healthy.'—'Are they able to rear their children well, without any unusual number of deaths in proportion to the number of children? I think they do.'—'Does the want of employment, and the want of a sufficiency of food, appear to you to produce any difficulty in rearing children? No; I think they are healthy; I see them sometimes come in crowds out of their cabins, sometimes perfectly naked, and I have been astonished to see how healthy they are.' †

After giving to the question of the population of Ireland our fullest consideration, we are thoroughly convinced that it amounts, at the present time, according to Mr M'Culloch's computation, to $7\frac{1}{2}$ millions; and that it is increasing at the rate of about 200,000 a year. With regard to the question of Capital, we cannot see in what way that can be so augmented as to bring

* Evid. Com. 808.

Ib. Sess. 1824. 457.

the proportion of it to the population to such a ratio as to admit of any increase of wages. The great obstacle to its increase consists in a want of security, arising from the state in which the Catholics are kept, which paralyzes all exertions, and intimidates English capitalists from embarking their money in Ireland.

Mr Cropper²—‘Do you consider there is any disinclination to invest English capital in Ireland? There is no doubt that there is a great indisposition; and I should say not only to invest English capital, but Irish capital. Irish capital is coming over to this country; and it must be from some supposition that property in that shape is not secure in Ireland under present circumstances. I know one particular instance of some parties that intended to have laid out money with the view to the establishing of manufactures in Ireland, who, on hearing the Catholic Bill was to be thrown out in the House of Lords, changed their intention.’ *

Mr Hugh O’Connor, a very opulent Catholic merchant, gave the following evidence:

‘Have you ever heard of its being likely that any Catholic property will be transferred out of Ireland, in case the civil disabilities to which Catholics are exposed are longer continued? I can answer that question with regard to myself, for I mean to leave Ireland in consequence of the civil disabilities; I find it not a pleasant residence.’ †

Mr M’Culloch—‘May not the want of security of property contribute to obstruct the accumulation of capital? I think it is one of the most powerful causes that prevents the transfer of capital from England to Ireland.’—‘Does any instance occur in other countries of capital being accumulated to a great amount where the principle of security of property was not fully established? There is no instance, I believe, in the history of the world, in which capital has been accumulated to any extent in any country, in which there was not a very considerable degree of security of property; and every additional degree of insecurity that has occurred, has had a uniform tendency to diminish the amount of capital.’—‘Judging from what you have had an opportunity of hearing and seeing respecting Ireland, is it your opinion that the state of the laws that affect the different religious classes of that country, contributes to prevent the security of property being as perfect as it might be? Yes; I should think these laws might be varied so as very much to increase the security of property.’—‘Under the circumstances of Ireland, taking into consideration the probable increase of the people, and the probable increase of capital, is it your opinion that capital is likely to reach that amount which will be sufficient to give due employment to the peo-

* Evid. Com. 688.

† Ib. 139.

ple? No; unless some change takes place in the political condition of Ireland, or in the management of landed property in it, I see no reason whatever to suppose that the condition of the people will ever be in the least degree improved.'

Upon the subject of the tendency of the emigration of Irish labourers to England, there is the following very valuable evidence:—

Mr Cropper—'Supposing the emigration of Irish labourers to continue to increase, do you think it has a tendency to produce an equalization of wages in England and Ireland? It is decidedly my opinion, that if a state of comfort is not established in Ireland, the distress of Ireland must come to this country in the end.' *

Mr M'Culloch—'Have you any apprehension of any bad effects arising from a great number of Irish labourers coming over to England and Scotland to look for employment and settle themselves? Yes; I have very serious apprehensions, in so far as respects the injurious operation of their competition upon the state of British labourers.'—'Are you able to communicate to the Committee any facts respecting the emigration of Irish labourers to Scotland? Yes; according to the last census there were 25,000 natives of Ireland in Glasgow; and they operate injuriously to the British labourers in two ways; *first*, they operate to reduce the wages by the increased number of labourers brought into the market, and the greater competition there is for employment; and, *secondly*, they operate in another way, by the example they set to the English and Scotch labourers; they consent to live on an infinitely lower standard of wages than they have been accustomed to, so that they teach them that it is possible for people to exist, or be tolerably comfortable, so far at least as animal spirits go, upon a lower scale of wages.'—'If the population of Ireland goes on increasing at the rate at which it seems to go on, will not Great Britain be the natural outlet for the surplus of it? Most certainly; if you establish a perfectly easy communication between the two countries, you must lay your account with having the inhabitants of the one brought down, and those of the other raised to a common standard. Every increased facility of communication between the two countries has a tendency to bring about such an equalization; and I think that, in the circumstances of the case, it will be more likely to be brought about by the degradation of English labourers, than by the elevation of those of Ireland.' †

There is a great deal of farther evidence, on the subject of Education, and the effects of the Catholic disabilities in restraining industry and impairing the security of capital; and also upon the true consequences of the non-residence of many great proprietors. But when we consider how much we have recent-

* Evid. Com. 691.

† Ib. 823.

ly said upon all these subjects, we really do not think ourselves entitled so soon to resume them; and must therefore deny ourselves the gratification of showing how entirely our opinions are here borne out by the evidence to which we have been referring.

When we look back upon that evidence, and reflect upon the clear and conclusive reasonings by which the true cure for the distress it discloses has been recently pointed out, it is impossible not to feel a mixture of mortification and dismay, on finding with what pertinacity certain persons in high stations still cling to the miserable delusion of those ‘remedies of Statistic Legislation’ by which the malady has been tampered with, and increased, for the last half century. It really is not a little surprising that one, who, like the Bishop of Chester, has had the rare advantage of having been a supporter of *both* sides of the Irish question, should come forward, at the end of this long and anxious deliberation, and disclose, in a solemn oration, that the miseries of Ireland are to be remedied by joint-stock companies, public works, bounties on linen and flax, and the return of absentee landlords!

These puerilities, however, we verily believe, are now tolerably harmless; and there is probably no individual in the Cabinet who will either avow, or even tacitly adopt them, as the grounds of his opinions. But unfortunately *there are* influences, by which the natural blessings of the light that has been obtained have been miserably obstructed,—and there are dissensions, by which the efforts of the most zealous and enlightened have been paralysed. The composite politics of Lord Wellesley and Mr Goulburn are not very likely, we fear, to work out the redemption of Ireland; nor the conflicting opinions of Mr Canning and Mr Peel to lead to any great and vigorous measures for her safety and relief. Our great hope, we confess, therefore, rests now on the force of public opinion, and on the vigour and activity of individual members of Parliament. It is by *them* that all the important measures of reform that have lately been carried, as to Tithes, Police, Revenue, and Commercial Intercourse, have been originated, matured, and accomplished:—and we are confident that they may yet carry most, if not all of those that remain, if they will only bring forward a distinct motion on each distinct abuse, and renew their motions, session after session, without being disheartened by failure, or disturbed by abuse.

We have thus, for the third time, endeavoured to fix the attention of the English public on the miseries and abuses that afflict and degrade the sister kingdom, and vitally endanger, through her, the prosperity and safety of the whole empire.

As to the remedies by which these may be alleviated or prevented, we shall not now presume to say more; but shall conclude with a brief enumeration of the practical measures which we humbly conceive ought now to be adopted, in order to carry them into effect.

1. An address to his Majesty, to request that his Majesty would be pleased to give directions to have the laws enforced for preventing corrupt practices by sub-sheriffs in Ireland.

2. A Bill to regulate Quarter-sessions, the offices of Justices of the Peace, and Assistant Barristers, and to appoint a Police Magistrate in each county in Ireland.

3. A Bill to abolish the office of Lord Lieutenant-General of Ireland, and to appoint Lords Lieutenants of counties.

4. A Bill to amend the laws respecting ejectments and the levying of distress, and to give validity to covenants against dilapidations and the subletting of tenements.

5. A Bill to provide, that whensoever any persons are desirous to establish a school by private subscription, the Grand Jury of the county shall grant to them a sum equal to the amount of their subscription.

6. And, though last in our order, the first that should be carried, so that these measures may become in any degree useful, a Bill to Emancipate his Majesty's Roman Catholic subjects of Ireland.

ART. XI. 1. *Biografia di Antonio Canova, scritta dal Cav. Leopoldo Cicognaree:—aggiuntivi un Catalogo delle opere del Canova, un saggio delle sue Lettere familiari.* Venezia, 1825.

2. *Opere di Scultura e di plastica di Antonio Canova, descritte da Isabella Albrizzi.* 8vo. Pisa.

3. *Designs from the Works of Homer, Dante, Eschylus and Hesiod.* By J. FLAXMAN, R. A. Fol. London and Rome.

It will scarcely be denied, that the advancement of intelligence, and the acquisition of knowledge, have been greater in Britain during the last ten years than at any former period of our history. A more general cultivation both of science and of literature has taken place; and many country book clubs and reading rooms now supply excitements and gratifications more stimulating and more varied than could have been found, sixty years since, in the libraries of the wealthy and powerful. Rapid as has been the increase of our population, the increase of reading and thinking has been still more rapid; and rags

and potatoes in Ireland have not been more prolific of numbers, than schools, scientific institutions, lectures and public meetings, have been of information. One of *Verri's* or *Beauvillier's* interminable bills of fare, does not contrast more forcibly with the dinner of a Welch curate, than do the conversation and acquirements of the middle classes of society of the present day, when compared with those of their ancestors of the last century. It is most true, that in former times, gigantic minds arose, seeming to concentrate within themselves all that was withdrawn from their contemporaries; but these, like the oxen roasted whole, the barbecued hogs and the overflowing wassail bowls, were the banquets of rare festivals, rather than the ordinary food of the multitude. Mr Gibbon compares the diffusion of letters to the breaking up of a golden image, which, ceasing to exist as a wonder of art, circulates in the more useful shape of coin, extending wealth and industry among all classes. This universal advancement has produced an extended cultivation of elegant literature, and a taste for the fine arts. The increased intercourse with the Continent, occasioned by a state of peace, and the peculiar circumstances of the times, may have contributed to this in some degree. The acquisition of the *Elgin Marbles*, the formation of a National Gallery of Painting, the liberality with which private collections have been lately opened to the public, and the purchase of many of the finest works of modern art by English collectors, have had some share in producing these results; but speaking generally, they may be considered rather as the effects, than as the causes of the new interest excited by the works of painting and sculpture. It is the knowledge and mental improvement so happily progressive, which have given to subjects of this description their real interest. We have not, in this country, substituted a love of the arts, either for the performance of active duty, or the acquisition of practical knowledge. We may consider the arts, thus engrafted upon literature, as the leaves and flowers of a magnificent plant, captivating not only by their beauty and fragrance, but as proving the soundness of the branches and the vigour of the root. When we consider the annual thousands who visit the British Museum and the *Angerstein Gallery*, and when we perceive that they no longer exclusively consist of what are affectedly termed the privileged classes, it is evident, that a taste for what is elegant and ornamental is rapidly following the love of what is really solid and important.

One very satisfactory consequence has already attended the improvement. Here, as in every other case, true knowledge and unaffected taste have tended to expel the pedantry of art, and the

jargon of connoisseurship; and Foote, were he now living, would find it necessary to seek, rather in his imagination than in society, for the critic, whose art consisted in cabalistic forms of words, and to whose forged coinage ignorance alone could give a false currency. To this the good sense of Reynolds mainly contributed. The contemptuous shifting of his trumpet checked the claims of affectation; and to his writings may perhaps be traced the first popularity of the arts in England. Great as were his merits as a painter, it was from the connection he established between art and general literature that our national taste received its chief impulse. The President of the Royal Academy became more powerful as a member of the Literary Club. Burke was his colleague and fellow-labourer; the genius of Barry, daring and eccentric, aided in the work; and this union of art and literature is continued in our days in the elegant verses of Shee, and the illustrations of Flaxman, worthy of the divine poets to whom he has devoted his abilities.

Various ingenious observations have been made to ascertain the relative importance of the pencil and of the chisel. Into those lists 'where Sculpture with her rainbow sister vies,' we intend not to enter; but it is a singular fact, that whilst we can believe that there does not exist in all Europe a single historical painter whose name will survive the century, a school of sculpture has arisen, including individuals of different countries, from Denmark and Britain to Italy, whose merits have been acknowledged as infinitely superior to all except the great masters of the art. We are inclined to hope that our readers will feel an interest in the life of one of the most considerable men who have advanced, or rather restored, this branch of modern art, and whose name is prefixed to the present article. His history we consider not only agreeable as a narrative, but useful as an example; and his youthful labours and energy are as important a lesson of industry and perseverance, as his matured taste is a model of excellence. The life of Franklin is scarcely more instructive to practical readers than that of Canova to young artists. In no other class of men is an exaggerated confidence in genius, and a scorn of what is falsely termed the drudgery of application, more dangerous and more prevailing. To no other class have carelessness and improvidence been more fatal. It is therefore important to hold up to imitation the example of one of the most celebrated artists of modern times, whose success may be distinctly traced to his industry, patience, and perseverance; and who, in the midst of fame and adulation sufficient to intoxicate an ordinary mind, still maintained the calmness, prudence and simplicity, of good sense and sound

principles. Canova never seems to have thought that he could discover a royal road to preeminence: *hæud facilem esse viam*, was fully admitted by him; and the advice of his contemporaries, the precepts of criticism, constant study, both of nature and of the ancient models, were resorted to as the real means of advancing himself in his profession. To the latest period of his life, he appears to have eagerly embraced every opportunity of improvement; and it is stated by his biographer, (*Vita*, p. 23), that when his group of Venus and Adonis, executed 27 years previously, was deposited in his studio in passing through Rome, he employed himself in correcting the faults which his advanced judgment then enabled him to discover.

Antonio Canova was born at Possagno, a village of the Venetian Alps, in the year 1757. Sculpture became his own, (to use a legal phrase), no less by inheritance than by purchase, his father and grandfather having been both artists. When he was only three years of age, his father died; and his mother having married a second time, he became altogether dependent upon his uncle Pasino Canova, who accustomed him from his earliest youth to works of design and of modelling. This early initiation laid the foundation of that extraordinary facility which characterized Canova in his powers, both of invention and execution. At this period, Bernardi, commonly called Il Toretto, one of the principal sculptors of those times, fixed himself in the neighbourhood of Possagno, and undertook the instruction of Canova, who worked under his superintendence for some years. It was during this interval that he became known to Giovanni Falier, a noble Venetian, whose patronage was as freely given as it was gratefully received. This patronage was not only bestowed with generosity, but with good sense; and the feelings of obligation it excited were never effaced from the mind of Canova. Indeed one of his most engaging qualities was the warmth of his affections, and the pride with which, in the midst of the glories of his subsequent life, he acknowledged and repaid the favours he had received in youth. Little did the Venetian noble imagine, that the peasant, to whose support and instruction he so liberally contributed, would in future times be ranked among the most celebrated artists of Italy,—that his fame would survive the independence of the standard of St Mark,—and that future conquerors and beauties should seek the aid of his art to convey to posterity their forms and features. In the year 1791, Canova writes in the following manner to the son of his first patron.

‘ V. E. non può credere quanto la Casa Falier mi stia al cuore. Ho presente tutto, tutto! Ho avanti gli occhi, e nel cuore, i beneficj

le insinuazioni, gli avvisi morali e scientifici dell'adorabile Padre suo, e mio! perchè tal credo che si possa chiamare quello del quale si riceve l'esistenza civile.'

Even at a much later period, in 1817, when Canova was raised to the order of nobility, the same feelings of strong obligation are expressed with equal sensibility.

'Se sono trascurato nello scrivere, non lo è però il cuor mio nel ricordarsi di lei e dell'eccellentissima sua famiglia. Ne vuole ella una prova? Eccola. Sappia, che nella stemma mia, ho addotato gli emblemi d'Orfeo e d'Euridice, in memoria delle due prime mie statue, ordinatemi dall'adorabile Padre suo; dalle quali statue, devo riconoscere il principio della mia esistenza civile.'

As the last proof of his gratitude, Canova erected a monument to the memory of his early protector, in which he not only marked his tenderness by the character of the design, but recognised the protection he had received in the following inscription.

JOH • FALERIO • PAT • VEN • ANT • CANOVA •
QVOD • EIVS • MAXIME • CONSILIO • ET •
OPERA • STATVARIAM • EXCOLVIT •
PIETATIS • ET BENEFICIOR • MEMOR •

But to return to the studio of Canova. At the age of fourteen, he executed his earliest subsisting work in marble, Alas for the glories of Venice! The palazzo Farsetti, which in 1771 was the seat of art and literature, has, under the protection of the Holy Alliance, become a common inn (the Gran Brittagna); and as substitutes for those proud patricians whose ancestors had conquered Cyprus and Constantinople, and whose names were chronicled in the *libro d'oro*, porters, gondoliers, and laquais de place, now rest their loads upon the two marble baskets of fruit and flowers,—the earliest works of Canova! Cicognara laments this profanation as loudly as prudence and an Austrian police permit; and he sighs over these elegant ornaments, which he describes as

'Mutilati e guasti per essere di continuo esposte ad ogni urto e a servir d'appoggio e di riposo ai carichi pesanti, che i facchini trasportano nel pian terreno agli appartamenti occupati dai viaggiatori.'

To estimate fairly the merits of Canova, it is necessary to consider the state of sculpture at Venice, when he commenced his studies. The early works of sculpture in Italy, after the revival of the arts, are distinguished by the same characteristics which mark the early schools of paintings,—formality, simplicity, and truth.

'Noi veggiamo,' observes Licoguera, 'che gli seultori del quattrocento condussero l'arte a un grado di eccellenza, particolarmente

in ciò che riguarda l'espressione, e quell' unzione e semplicità con cui si raffiguravano i soggetti devoti, mentre le arti servivano al culto, che prima d'ogni altra cosa contribuì al loro risorgimento; e fu allora che i marmi spitarono timidamente tutta la dolcezza la pietà, il commovimento religioso dettato dalla pura imitazione del naturale, finché poi subentrò l'avidà brama di sorprendere e mettere più in evidenza l'artista, col sacrificio dell'ingenuità degli affetti. Allora fu che, impadroniti nelle pratiche, gli artisti del cinque cento scolporono con maggior ardimento, ma col tipo del loro ideale cercato poi fuor dell'antico, colla speranza d'emergere più originali, scossero quel che credevano giogo di servile imitazione della natura, e largheggiarono troppo per uno spazio, nel quale di licenza a licenza ogni severità venne abbandonata da coloro che succedettero nell'età posteriore; e, privi della forza e della scienza del Buonarroti, non sapessero farsi perdonare que' difetti ch'egli riesci come scultore a far quasi idolatrare dal suo secolo.'

The succeeding age was that of affectation and bad taste—neither possessing the simplicity of early times, nor the vigour and originality of the days of Michelangelo. Toretto, the master of Canova, and the school to which he belonged, had been engaged in working high reliefs for altar-pieces and architectural decorations. In many of these the essential characteristics of sculpture were lost, and bad attempts were made at executing pictures in marble. The first statues of Canova, those of Orpheus and Euridice, partook of the errors we have described; but completed as they were at the age of 16, they afforded a promise of better things, which promise was soon fulfilled. The Venetians, proud as they were of their young countryman, were resolved not to deprive him of the benefit of cultivating his art elsewhere. To form his style, it was indispensable that he should visit Rome, and should study the treasures of ancient art preserved at the Vatican and Capitol. The zeal of his patron and protector Falier, procured for Canova a pension of 300 ducats, to be continued during the term of three years, a period considered as sufficiently long for the completion of his education. The good sense, as well as the gratitude with which Canova speaks of this very moderate allowance, and of the advantages which it procured, afford a most useful lesson to young artists who may have to struggle with penury in the early parts of their career.

' Pare che la divina clemenza abbia voluto per questo mezzo accordarmi quel bene ch'io tanto desiderava; quello, cioè, di potermi consacrare intieramente all'arte, senza che il pensiero delle proprie sussistenze mi avesse a distrarre. Ora crederei di fare un furto sacrilego, se defrandassi l'arte d'una sola ora del giorno.'

The simplicity of his habits enabled him to maintain his in-

dependence upon the very limited income he then possessed; and, at the hazard of incurring the displeasure of all our female readers, we transcribe the following extract from one of his letters, written in 1794:—

‘Io sono povero uomo; ma siccome ho bisogno di poco, così non temo di potermi trovare dappertutto, quanto può occorrermi. Moglie spero di non prenderla più; o, almeno se lo dovessi fare, la prenderei avanzata, per poter vivere sempre quieto, ed attendere alla mia arte, che tanto amo, e che esige tutto l'uomo, senza perdita di un momento.’

At the time of Canova's arrival at Rome, the style of practical art was but low. Criticism on the arts had, it is true, been laboriously cultivated; but when it is considered that Gavin Hamilton, Puccini, Bottoni and Volpato, were among the most distinguished artists then existing, it must be obvious that a student, who wished to rise beyond tame mediocrity, must have sought higher models. Yet were these persons Canova's judges; and it is almost ludicrous to think, when the comparative merits of the parties is considered, that these very inferior artists should have been destined to decide upon the fate and prospects of him who so greatly surpassed them. Canova describes his first exhibition of the Dardalus and Icarus to have been ‘una vera agonia di morte.’ Yet the very faults of his contemporaries may not have been useless to him; his progress was so rapid, that even more accomplished and less generous rivals could not have retarded his advancement. The times in which he lived were not in all respects unfavourable. Criticism and learning had applied themselves to all branches of the arts, to investigate the general principles of taste, and to illustrate all the models of excellence. The writings of Algarotti, of Winckelman, of Lanzi, and of Visconti; the discoveries at Herculaneum, and the publication of Sir William Hamilton's Vases; the great work of Stuart upon the Antiquities of Athens; the liberal encouragement and elegant taste of some of the reigning Popes—all contributed to the success of Canova, by preparing the public mind to appreciate his merits. He profited by all these advantages; and one of his patrons having presented him with a block of marble, he undertook and executed, in his 25th year, the Theseus, his first great work.

From this period may be dated the glories of Canova. But his laborious industry seemed to augment with his fame. Before the year 1800, he had already given to the world some of his most successful performances; the monuments of Ganganeli and Rezzonico; the groups of Venus and Adonis, and of Cupid and Psyche; the Hercules, and the Sommariva Magdalen. His

biographer informs us, that, in completing these very exquisite statues, Canova had not yet availed himself of the system he afterwards adopted, of employing inferior hands to work down the marble in the first instance, and by measurements and marking of points, to relieve the principal artist from that portion of labour which is purely mechanical. His earliest statues were executed entirely by his own hands; and his constitution suffered materially from these extraordinary physical exertions. Tannini, who has written a medical account of his last illness, states, that

‘La lunga e assidua fatica che il Canova sosteneva allorché scolpiva il punteggiamento della Mansuetudine, nel monumento a papa Gangani, e le giubbe dei Leoni in quello a papa Rezzonico, fu tale che gli abbassò le costole del destro lato; tanto è dannoso ai giovani, mi diceva il Canova, additandomi quella parte appianata del suo petto, il non aver eh! fu dalle prime saviamente li giudi nelle meccaniche dell’ arte.’

It is melancholy to think that his devotion to his favourite pursuit should thus have led to a species of martyrdom.

The freshness of his early affections, and the fulness of his gratitude towards his early patrons and protectors, have been already noticed. When his success produced wealth, his protection of rising merit was equally admirable. The Roman Academy of Antiquity was endowed by him; pensions were granted to young students; prizes were established for the most successful works, and charities for poor artists, and for the wives and families of those who died in want. The works undertaken by his orders and at his expense, were of princely magnificence. His liberality in these respects seemed as boundless as his enthusiasm for the arts. He proposed gratuitously to execute statues for the beautiful San Micheli Chapel at Verona. He furnished, also gratuitously, the busts of the celebrated men of Italy, which form so interesting an addition to the Capitoline gallery. The temple which he undertook to erect near the spot of his nativity, and to which he devoted the savings of his life, and the last and most perfect of his designs, are unexampled evidences of the magnificence and liberality of his spirit.

Such genius and such generosity made Canova celebrated throughout all Europe; and when, in 1815, it pleased the Allied powers, more from a desire of vengeance than a love of justice, to restore to Italy the treasures of which she had been despoiled, the Venetian sculptor received what he felt to be the highest and most gratifying reward. He was intrusted to superintend the removal of those triumphs of art, regarded by

him and by his countrymen with an enthusiasm approaching to adoration. His was the task to replace at Rome the models on which his own taste had been formed, and from whence he might anticipate the preservation to Italy of the only glory which tyranny had left her. It is amusing to find, in a letter of Canova's to Count Leopold Cicognera, written from Paris in October 1815, with what acuteness he noted passing events, and the division of labour adopted in all the operations of the Allied powers. 'Il meglio si è tolto,' he informed his correspondent, 'e tutto per forza di bajonette Prussiane, Austriache, ed Inglesi; poichè queste tre potenze specialmente le proteggono, e l'Inghilterra paga le spese—Bella cosa!' Well indeed was this exclamation justified: for in this, as in all other Continental proceedings, whilst the benefit was for others, the burthen of payment rested upon the British people. We doubt not that Canova's observation would have found an echo in all the European cabinets, and that the fraternities of Metternichs throughout the world, as well as their employers, were ready to exclaim, 'L'Inghilterra paga le spese; Bella cosa!'

The character of such an individual as Canova would, in any country, have deserved respect and esteem; but amongst a people so excitable as the Italians, the enthusiasm which it inspired was boundless. His death took place at a time when some of the most important discussions were in progress before that Council of Conspirators, which called itself an European Congress; and even the important interests which were at stake, seemed for a moment to be forgotten in the fate of the artist. By his death-bed watched many of the surviving nobles of Venice, who considered that, with him, vanished the last memorial of their country's greatness. The vase in which, in times of republican glory, the votes of the senate had been taken, supported his funeral lamp. The design which he had furnished for the tomb of Titian, was appropriately adopted as the monument of the sculptor. An antique vase of porphyry was deposited in the gallery of the Academy, with the inscription, COR. MAGNI. CANOVAE; and on the pedestal beneath was inscribed, in letters of gold, QVOD. MVTVI. AMORIS. MONVMENTVM. IDEM. GLORIAE. INCITAMENTVM. SIET.

Canova died in 1822, having executed 53 statues, 12 groups and monuments, busts and relievos, amounting to the extraordinary number of 176 complete works. These are now dispersed all over Europe, many of them being the ornaments of British collections. It is a whimsical coincidence, that the statue designed as an emblem of the Roman Catholic faith should be in the possession of the Earl Brownlow, and that the colossal

figure of Napoleon should ornament the staircase of the Duke of Wellington! These works have all excited admiration; but we doubt whether the judgment of the British public is not, on the whole, more just, though less enthusiastic, than that of foreigners.

That we consider Canova an artist of great eminence and merit, is obvious, from our preceding observations. He excelled in that particular style, to which he principally dedicated his attention. But that style was neither imaginative nor sublime. Beauty and Grace were his divinities; he seldom worshipped at the shrines of mightier gods. To apply to Canova the 'abundat dulcibus vitiis,' might be too severe; but it is true that he does not possess the highest species of merit. Most of his works are resemblances, rather than creations; he never was able to tread effectually

Di Michelangeol la terribil via.

Indeed, in one of his letters, he not only admits that this more poetical style was not imitated by him, but that he disapproved of it on principle.

'A me sembra,' he observes, 'che Michelangelo abbia eletto espressamente dalle mosse contorte e convulse, specialmente nelle braccia atteggiate a fozzia di zeta, per aver campo di esprimere e sculpir le parti e i muscoli piu rilevati; producendoli con violenza più che naturalé. Il gruppo d'Ercole con Anteo gli ha mostrato chiaramente il cammino: ma lo studio di quelle forme era poi sempre subordinato al genio e senso particolare del Buonarroti;—il quale si è valuto costantemente delle opere antiche, per modelarle sullo stile suo proprio, e per imprimere sulle produzioni sue quel carattere gonfio ed alterato ch'era il suo elemento.'

Even admitting that this criticism were correct, it would still be evident that Canova had mistaken 'reverse of wrong for right;' and in avoiding the extreme of anatomical force and muscular development, that he had too exclusively addicted himself to that flowing outline and polished surface.

'Ove ne nodo appar, ne vena eccede.'

Hence it is, that his favourite subjects were those of female grace or youthful beauty. Paris, Perseus, Palamedes, Psyche, Hebe, Venus, Nymphs and Daners, are the most popular of his works. In many of these there was an approach to affectation and to French taste, more particularly in his draperies. Even his admirer Pindemonte describes this fault, though without admitting it to be such, when he observes upon the statue of Hebe—

Spirar qui vento ogni pupilla crede
'E la gonna sventolar, che frettolosa
Si ripiega ondeggiando, e indietro riede.

Canova delights in the elegant and voluptuous form, with which Tasso peoples the gardens of Arinida, rather than in the terrible truth or sublime inventions of Dante. He loves the eternal blue and sunshine of his Italian climate better than the storm, clouds and whirlwind, in which a more poetical genius rejoices, and which it endeavours to direct. This preference may have arisen from various causes. The first may have been his failure when he passed the peculiar limits which he generally assigned to his genius. His efforts at the sublime were unsuccessful. The Hercules, the Theseus, the Hector and Ajax, are but second-rate performances. Even in the Athletæ of the Vatican, he seems to have lost all beauty and grace, without acquiring originality and strength. The second cause which may have acted on his style, was the lateness of the period at which his study of the Athenian marbles commenced. Cicognera observes, that, after Canova's visit to England,

‘ Anche in questa epoca della vita di un tanto artefice i conoscitori troveranno un progresso verso l'eccellenza, derivante evidentemente dall' aver egli a suo bell' agio la prima volta contemplati i marmi di Fidia nel musco Britannico. Cio ne disse egli, al suo ritorno ; il profitto che ne trasse, la devozione con cui stava sempre in ammirazione di quei modelli, è soggetto di molte considerazioni ; ed egli stesso convenne su quanto da alcuni gli venne avvertito dei passi ulteriori fatti nell' arte, e delle più visibili perfezioni in alcune sue opere, dosso il ritorno da Londra. ’ From this visit to Britain originated some of the latest and best works of the Italian artist ; the Magdalen in Lord Liverpool's collection, and the magnificent Pietà modelled for the temple at Possagno. Though unable, even in these his highest efforts, to reach the true sublime, he nevertheless succeeded admirably when he endeavoured to unite individual truth with ideal beauty ; and in the few works of this description which he has left, he suggests many causes of regret for not having ventured further. The Sommariva Magdalen, the figure of the blind man, feeble and exhausted, in the monument of the Archduchess Christina ; and (though of a very different class) the Lions at the base of the tomb of Rezzonico, prove what he might have effected by abandoning more frequently the conventional forms of art, and trusting boldly to nature and to truth. He could not indeed have ventured on a class of subjects in which, as in the Laocœon, we perceive ‘ torture dignifying pain ; ’ but the examples of the Dying Gladiator, and of the Niobe group, might have raised him above the graceful insipidity and elegant commonplace to which he generally devoted his skill.

The opinions we have ventured to give may appear so heretical, that we are compelled to follow the subject somewhat further. In sculpture, painting, and in poetry, we are unwilling to assign the first place to any but to those creative geniuses, who add to the general sources of pleasure by discovery and invention. Let any person who has attentively considered the subject inquire which has given him the highest gratification, the sight of a work of art which pleases by exciting simple remembrances, or of one which suggests new combinations, or an original and powerful train of images and emotions. Memory is a less fertile source of pleasure in the arts than imagination. It is an aspiration after invention, which distinguishes the truly great artist. It is to this which Raphael alludes, when in his letter to Castiglione he observes, ‘ *il modello mio è lodato da molti belli ingegni; ma io mi levo, col pensier, più alto; ed, essendo carestia di belle donne, io mi servo di certa idea che mi viene nella mente.*’ It is this which, in a beautiful sonnet, Michael Angelo describes as the merit of Dante.

Dal mondo scese ai ciechi abissi, e poi
Che l’uno e l’altro inferno vide, a Dio
Scorto *dal gran pensier* vivo salio;
E ne diè in terra vero lume a noi.

The same great artist, in another passage, exemplifies a similar feeling.

Si ben col suo fattor l’opra consona
Che a lui mi levo per divin concetti
E quivi informo i pensier tutti.

It was under the influence of such feelings that the Sistine chapel was painted; and it is to the want of these diviner impulses that we attribute the comparative want of force and originality in Canova. His works are parodies upon the antique; and resemble that *cento* which is called a modern Greek or Latin ode. The Persens brings up the image of the Apollo; the Venus that of the goddess of the Tribune; and the Dancing Nymphs the designs upon the Vases. This effect is the more dangerous, because the comparisons thus suggested are infinitely disadvantageous to the modern sculptor. The Elgin Marbles, the Torso, the Venus of Mylo, the Ludovisi Mars, and in modern times we may add the works of Michaelangelo in marble, of Giandi, Bologne, and Ghiberti in bronze, and of Flaxman in relievo, excite new trains of original emotions, varied and intense.

Our last sentence has brought us from Italy to Britain; and we feel some pride in turning homewards. We have already seen that the possession of the Elgin Marbles led Canova to seek amongst us his last advancement towards excellence. At the period of

his visit, and for some time previously, the British school of sculpture had risen most rapidly in reputation; and at the time we write, we can scarcely hesitate in considering this branch of the fine arts as having reached a greater eminence in Britain than in any part of the Continent. When we consider how many difficulties must be surmounted, this result is a fair cause of national congratulation. To those who have visited the interesting town of Carrara, it is evident how great and important are the facilities possessed by an Italian student of sculpture. The cheapness with which he acquires the marble, makes an experiment risked so far only as time and labour are concerned. The boldest attempts may consequently be made, and a failure, to a young artist is soon repaid by a second and a more successful effort. Under the cliffs of those magnificent marble hills, and with the constant emulation produced by the numerous sculptors who are fixed there, the apprenticeship to the art may be passed in a very different manner from the toil and anxiety which cramp and fetter the British home student. The hopes of his future life may be risked in the acquisition of one single block of marble; and at the critical moment, when his work has nearly reached its termination, an unfortunate accident may at once crush his fortune and his fame. Yet notwithstanding these disadvantages, British sculpture has advanced to very great eminence. This is perhaps attributable to the fertile inventions and magnificent designs of Mr Flaxman, more than to any other single cause. Undertaking the task of illustrating the great poets of ancient and of modern times, literature has aided the progress of art; and many who might have been reluctant admirers of statues or relievos, were taught to appreciate the merit of designs connected with the finest passages in Homer, Dante, Eschylus, and Hesiod. The publication of these great works, combining the richest variety of invention with the most classical correctness and all the grace of simplicity, has made the beauties of the art familiar in every library in the kingdom. Unlike his Italian contemporary, Mr Flaxman has been successful in combining the varied powers of the schools that had preceded him. He seems equally at his ease when tracing the figure of Prometheus chained to the rock between his two gigantic guardians, or when modelling the graceful forms of the Chorus of Nymphs floating upwards as the bearers of consolation and sympathy. The Enchantments of Circe, or the Oath of the Seven Chiefs warring against Thebes—the Punishment of Judas, the Loves of Francesca, or the Song of Casella—the figure of Resignation in the Baring monument, or the sublime relieve of 'Deliver us from evil,' are all treated with equal freedom and

power. The same genius which exhibits its elegance in the Wreath of Lillies which crown a female tomb at Claremont, expands itself in representing the varied pictures of the Shield of Achilles. These are the works which have contributed to form the taste, not only of the public, but of the artists disposed to follow the example so gloriously given.

The fame of these designs in foreign countries is even greater than in our own. It is singular to find, that with the peculiar excellency which distinguishes our national sculpture, more of merit should not exist in our museums and public monuments. Perhaps boards of official referees and committees of taste may not form the best school of arts. The events of the last thirty years ought to have led to a different result. During the late wars, the eminent men who have fallen in the service of their country have been but too numerous, and Parliament has been profuse (perhaps to a fault) of monuments to commemorate their glory and their loss. Those would have opened the noblest field for the artist. The higher feelings connected with national glory, with the attachment of free citizens to a free state, would, we might hope, have stimulated the enthusiasm of the artist. Here we might have anticipated, that 'in those mansions where the mighty rest,' the names of our departed statesmen and warriors would have been handed down to posterity by the successful efforts of our great artists. We cannot imagine any object much more deeply interesting than a collection of monuments thus created by national gratitude for public services and for departed genius. Our shrines were worthy of being well filled. Westminster, in all its poetic beauty, connected as it is with historical remembrances, and with those Houses of Parliament where our statesmen and sages had acquired their fame; St Paul's, only second to the most noble of Christian temples, round whose vault our trophies might have been placed and banners hung, and with names to commemorate like those of Chatham, Fox, Pitt, Nelson, Abercromby, Moore, and Byron—these ought to have led to the erection of a series of monuments worthy of Great Britain. The tombs of these great men, bearing simple but expressive inscriptions, would have furnished new motives to the young, and fresh energy to those who labour for honourable distinction :

— non è solo

per gli estinti la tomba—

The living would have been worshippers in a real temple of British gratitude; and the sensation which every scholar feels in visiting the tombs of 'the starry Galileo, of Michaelangelo, of Macchiavel, of Alfieri, Filangieri ('qui gloriam literariam ho-

restavit') in the Santa Croce, would, in our country, and under our popular institutions, have been increased a thousand fold. But our national monuments have been, generally speaking, failures. We have in the first place failed, by the extent to which the system has been injudiciously carried. The currency has been depreciated by an over issue. The excitement produced by a great name is neutralized, on finding it succeeded by one memorable only for a coronet, a mitre, or a prebendal stall. Our second mistake has been in the character of the usual designs. Our monuments want all individuality. They seek to personify abstract feelings, rather than to record particular greatness or worth. The veiled form of allegory suits not any strong emotion. The figures of Courage or Wisdom, however well drawn or mythologically represented, speak a much less eloquent language to the heart than the forms of Nelson or of Romilly. The shaft of death, the trumpet of fame, and even the anchor of Britannia herself, deserve to be laid upon the shelf, with the darts, torches, crooks and pipes, which are banished by sense and taste, even from the verses of school-boys. 'Toutes les glaces du nord,' observes Boileau on a similar subject, 'ne sont pas plus froides que ces pensées.' Who that has admired the simple statue of Newton in Trinity Chapel, would wish to see it replaced by an Urania with her sphere, even though her eight sisters were summoned to her assistance? Who would prefer the inflated bombast of the French school, as furnishing a design for the monument of Napoleon, to the following picturesque lines of Manzoni?

O ! quante volte ci tacito
 Morir d'un giorno inerte
 Chiamati i rai fulminei,
 Le braccia al sen coaserte,
 Stella—e dei di che furoao
 L'assalse il souvenir !

There may be individuals who consider these observations unimportant. There is a sect in Europe, if not in this country, who, conscious of their own worthlessness, seek to undervalue the excitements to future patriotism derived from memorials of past glory. We ourselves have seen the slaves of the Bourbons obliterating from the entablature of the Pantheon the inscription, *Aux grands hommes, la patrie reconnaissante !* But for such we write not—with them we have no sympathy, nor desire any communion. But to those who wish to hold up the mighty dead as examples of excellence to the living—to those who believe that men will think but the more justly the more deeply they feel—we now venture to address ourselves; confident that, whatever may be thought of our suggestions, our motives will not be condemned.

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